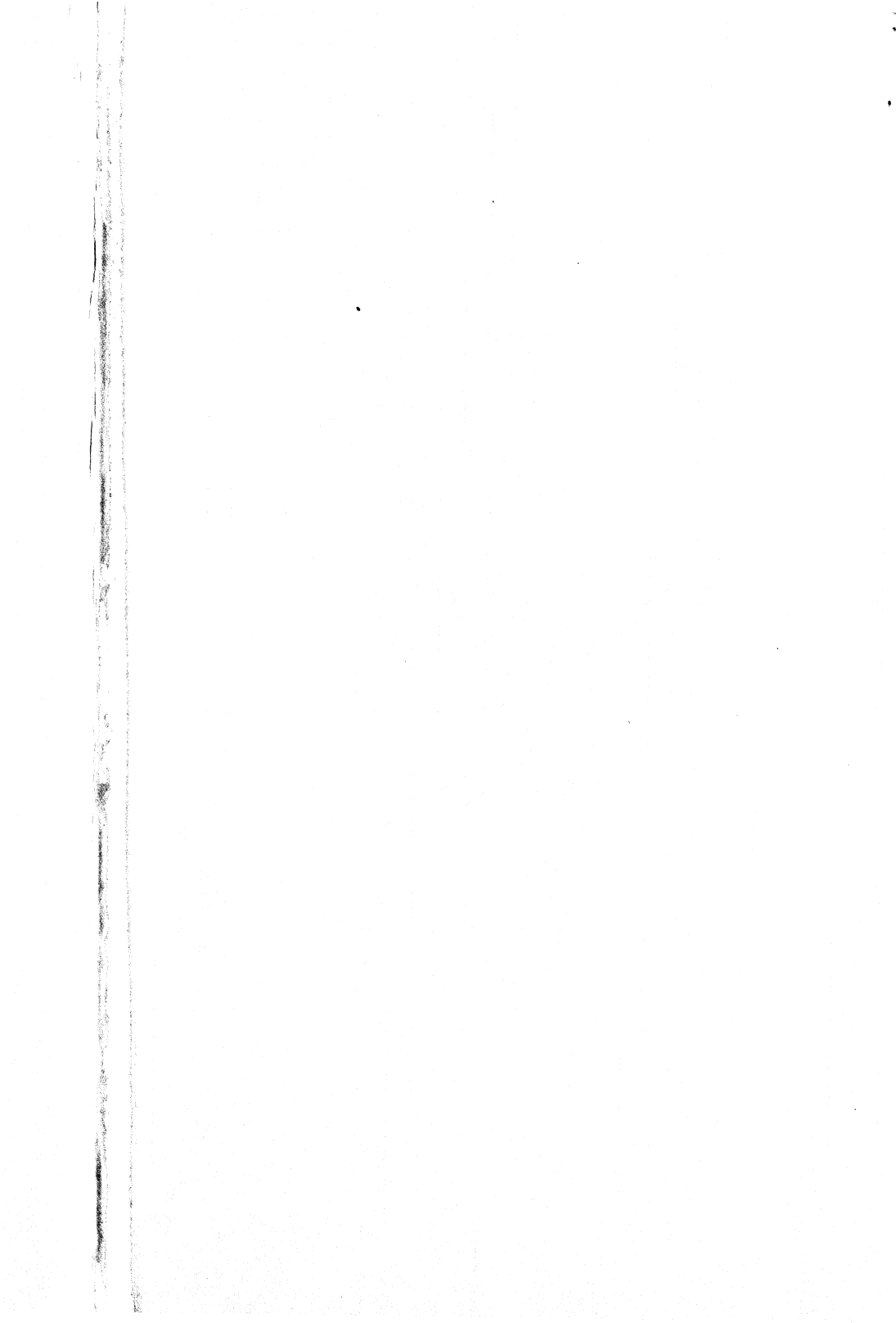


THE GIFT OF  
Major T. M. Spaulding









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SIXTEENTH  
ANNUAL REPORT

OF THE

Hawaiian Historical  
Society

AND PAPERS

FOR THE

YEAR ENDING DECEMBER 31st, 1908



Honolulu:  
Hawaiian Gazette Co., Ltd.  
1909



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## OFFICERS, 1909

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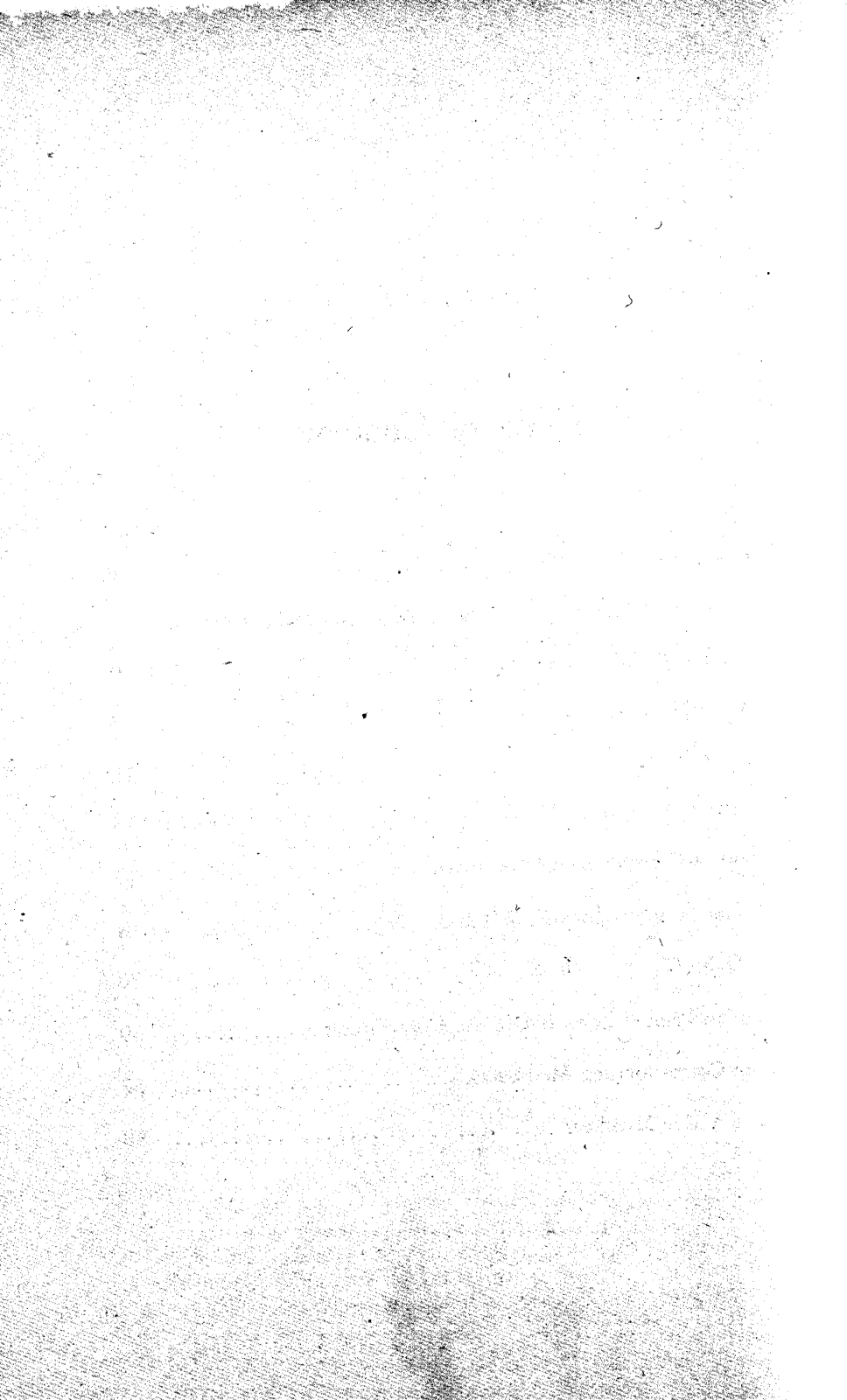
President.....	Hon. A. S. Hartwell
First Vice-President .....	Prof. W. D. Alexander
Second Vice-President .....	Hon. W. F. Frear
Third Vice-President .....	Bishop H. B. Restarick
Recording Secretary .....	A. Lewis, Jr.
Corresponding Secretary....	Rev. W. D. Westervelt
Treasurer.....	Mr. W. W. Hall
Librarian.....	Miss E. I. Allyn

Maj. I. M. Spaulding  
4-11-1924

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# Minutes of Meeting of Hawaiian Historical Society, held at the Library, August 20, 1908 at 7:30 P. M.

Present: Messrs. G. R. Carter, presiding; Westervelt, Gartley, Hall, J. A. Wilder, Lydecker, G. R. Castle, Bowen, H. M. Ballou, Dr. Richards and A. Lewis, Jr.

In the absence of the Recording Secretary, A. Lewis, Jr., was elected Recording Secretary pro tem.

On motion duly made, seconded and carried, the following amendments to the Constitution were recommended by those present, and notice given that the same would be presented at a meeting to be held at the University Club, on August 27, 1908:

Resolved, That the Constitution of the Hawaiian Historical Society be amended as follows:

(1) By striking out the word "regular" in the second line of Section First, Article 3.

(2) By adding the words "of the Board of Managers", after the word "meeting" and before the word "pay" in the second line of Section First, Article 3.

(3) By striking out the word "regular" in line 2, Section Second of Article 3.

(4) By inserting between the words "meeting" and "and" in line 2, Section Second of Article 3, the words "of the Board of Managers."

(5) By striking out the words "of the Society" after the word "vote" in line 2 of Section Third, Article 3.

(6) By adding after the word "Managers" in last line of Article 4, the following words: "Five members of the Board of Managers shall constitute a quorum for the transaction of business."

(7) By changing "Article 7" to read "Article 10", and by amending said article in the following particular: Striking out the words "at a previous meeting" in lines 3 and 4 of said article, and adding to said article the following: "to the Secretary at least ten days previous to such meeting. The Secretary shall present the same to the Board of Managers before the meeting of the Society is held, and the Board of Managers

shall report to the Society their recommendations on any proposed amendment."

(8) By abrogating the By-Laws 1, 2 and 3 of the Society, and by inserting the same as "Articles 7, 8 and 9" of the Constitution.

Articles 3, 4 and 7 when amended shall read as follows:

Article 3. The members of this Society shall consist of three classes:

1st. Active members, who shall be elected by a majority vote at any meeting of the Board of Managers, pay an initiation fee of two dollars and an annual membership fee of one dollar, and participate by voice and vote in the management of its affairs.

2nd. Life members, who shall be elected by a majority at any meeting of the Board of Managers, and shall have the same rights and privileges as active members, upon the payment of twenty-five dollars at one time.

3rd. Corresponding members, interested in the objects of the Society, and elected by special vote of the Board of Managers for services rendered or aid invited. (As amended May 18, 1893, and December 2, 1904.)

Article 4. The officers of this Society shall consist of a President, three Vice-Presidents, Librarian, Corresponding Secretary, Recording Secretary and Treasurer, who shall perform the customary duties of such officers, and together constitute the Board of Managers. Five members of the Board of Managers shall constitute a quorum for the transaction of business. (As amended May 18, 1893.)

Article 10. This Constitution may be amended by a vote of three-fourths of the members present at any regular meeting, written notice thereof having been given to the Secretary at least ten days previous to such meeting. The Secretary shall present the same to the Board of Managers before the meeting of the Society is held, and the Board of Managers shall report to the Society their recommendations on any proposed amendment.

(9) By adding after the word "together" in the 4th line of Article 4 as amended, the following: "With three additional members of the Society."

(10) By adding at the end of Article 4 as amended the following: "In the case of the absence or inability to serve of any officer or other member of the Board of Managers, the remaining members of the Board may appoint any member of the Society to perform the duties of such officer or member,

or fill any other vacancy on said Board during such absence or inability."

In addition to the members presented at the meeting of the Board of Managers held on February 20, 1908, the names of the following were presented:

G. S. Waterhouse, F. T. P. Waterhouse, A. L. C. Atkinson, G. P. Wilder, H. P. Judd, John Waterhouse, Prof. Bode, Father Reginal (Yzendoorn).

It was moved, seconded and carried to recommend for membership the gentlemen above named at the meeting to be held on August 27, 1908.

A. LEWIS, JR.,  
Recording Secretary pro tem.

#### BOARD OF MANAGERS, AUGUST 27, 1908.

The Board met informally at the University Club just before the meeting of the Society on this date and voted to recommend for membership: E. W. Campbell, C. H. Cooke, J. H. Reece, Mrs. W. W. Hall.

A. F. JUDD,  
Recording Secretary.

## Minutes of Meeting Held August 28, 1908, University Club, 8 P. M.

After President Carter had called the meeting to order, forty members and guests being present, the Recording Secretary read the minutes of the meeting of January 27 and August 20, 1908.

The following persons recommended by the Board of Managers were then formally by vote made active members of the Society:

W. T. Rawlins, S. B. Kingsbury, C. R. Hemenway, G. S. Waterhouse, F. T. P. Waterhouse, John Waterhouse, H. P. Judd, A. L. C. Atkinson, Prof. Bode (of Oahu College), G. P. Wilder, Father Reginald (Yzendoor), E. W. Campbell, C. H. Cooke, E. J. Reece, Mrs. W. W. Hall.

Voted upon motion of Hon. A. S. Hartwell, seconded by W. D. Westervelt, that the amendments to the Constitution, notice of which was given at the last meeting, be adopted.

H. M. Ballou, of Boston, then read extracts from a paper prepared by himself and G. R. Carter entitled "The History of the Hawaiian Mission Press with a Bibliography of the native language to 1860."

Chief Justice Hartwell delivered to the President for the Society the drafts of the deed of abdication of Liliuokalani referred to in the minutes of the meeting of January 27, 1908, and recounted the history of their preparation. Judge Hartwell was requested to record this history for the Society's archives. Voted to thank Judge Hartwell for his donation.

A. F. Judd read short extracts from a journal of G. P. Judd written in Honolulu and Lahaina in 1830 and 1831.

H. M. Ballou read extracts from letters to show that the press now in Oregon is not the first printing press sent to Hawaii.

President Carter presented without reading, as the hour was late, a journal of Gorham D. Gilman descriptive of a trip along Napali on Kauai in the year 1845.

Voted to print the papers presented and also the statement concerning the abdication papers above referred to.

Voted to thank the University Club for the use of the Club's lanai.

A. F. JUDD,  
Recording Secretary.

# Minutes of Meeting of Members of Hawaiian Historical Society, held at the University Club, at 8 o'clock P. M., January 29, 1909.

Vice-President W. D. Alexander, presiding.

There were present about thirty-five members and guests.

In the absence of the Recording Secretary, upon motion duly made and carried, A. Lewis, Jr., was appointed Temporary Recording Secretary.

The following persons recommended by the Board of Managers were then formally by vote made active members of the Society:

Alfred L. Castle, Capt. C. Sydney Haight, Hon. Alexander Lindsay, Jr.

The reports of the Treasurer, Corresponding Secretary and Librarian were read, accepted and placed on file.

The President appointed a nominating committee of three persons who made the following recommendations for officers for the ensuing year, and upon the vote of the Society, the same were duly elected:

Hon. A. S. Hartwell.....	President
Prof. W. D. Alexander.....	First Vice-President
Hon. W. F. Frear.....	Second Vice-President
Bishop H. B. Restarick.....	Third Vice-President
Rev. W. D. Westervelt.....	Corresponding Secretary
A. Lewis, Jr.....	Recording Secretary
W. W. Hall.....	Treasurer
Miss E. I. Allyn.....	Librarian.

A. Lewis, Jr., then read an original letter by George Vancouver, dated March 2, 1794, the property of Mr. Edgar Henriques, a copy of which will appear in the report for the year 1909.

Prof. W. D. Alexander then read an interesting paper on the Oahu Charity School, and the Rev. W. D. Westervelt read an original paper on the subject of the early Hawaiian laws.



It was voted to print the papers of Prof. W. D. Alexander and Rev. W. D. Westervelt together with the letter of George Vancouver.

After voting the thanks of the Society to the University Club for the use of the Club's lanai, the meeting adjourned.

A. LEWIS, JR.,  
Recording Secretary.

# Treasurer's Report of the Hawaiian Historical Society, December 31, 1908.

## RECEIPTS.

1908.

Jan. 1	Balance from last year.....	\$ 16.30
Dec. 31	Interest on \$2000 McBryde Bonds.....	120.00
	Interest on funds in Savings Bank.....	12.65
	Rec'd from membership dues.....	146.00
	Rec'd from sale of duplicate books and pamphlets.....	414.55
	Drawn from Savings Bank.....	182.00
	Total.....	\$ 891.50

## DISBURSEMENTS.

Dec. 31	Deposited in Savings Bank.....	\$ 180.00
	Paid for 300 Postal Cards.....	5.75
	“ “ advertising meeting.....	2.75
	“ “ printing 500 annual reports.....	72.00
	“ “ two maps in annual reports.....	20.00
	“ “ Janitor, 12 months.....	18.00
	“ “ postage stamps and money order...	15.10
	“ “ 165 paper wrappers.....	1.80
	“ “ collecting dues.....	2.40
	“ “ book.....	2.25
	“ “ labels and ruled cards.....	2.10
	“ “ 7 copies Polynesian Journal.....	7.35
	“ Miss E. I. Allyn's salary, 1 year.....	100.00
	“ “ Agnes Alexander, services in Library.....	60.20
	“ “ Baldwin collection.....	9.50
	“ “ for book cases.....	36.25
	“ “ binding 2 vols. Paradise of Pacific..	7.50
	“ “ carpenter work.....	28.90
	“ “ 2 letter files.....	1.50
	“ “ 600 copies of paper No. 14.....	111.40
	“ “ 200 receipt blanks.....	2.00

"	"	book solution 75c, rubber stamp 25c.	1.00
"	"	2 cuts for No. 15 annual reports...	10.50
"	"	memorandum book . . . . .	.25
"	"	extra work done . . . . .	12.65
"		Miss Allyn's salary, 6 months, to date.	50.00
		Deposited in Bank interest . . . . .	12.65
		Balance to new account . . . . .	117.70

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Total. . . . . \$ 891.50

Balance on hand Dec. 31, 1908. . . . . \$ 117.70

Balance in Savings Bank, Dec. 31, 1908. . . . . 295.90

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Total cash available, Dec. 31, 1908. . . . . \$ 413.60

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In hands of Treasurer, bonds. . . . . \$2,000.00

E. & O. Ex.

WM. W. HALL,  
Treasurer.

## Report of the Librarian.

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To the Officers and Members  
of the Hawaiian Historical Society.

Gentlemen and Ladies: It is a pleasure to report the gratifying progress of the work in the library of the Society the past year. During the first six months the Librarian with the assistance of Miss Agnes Alexander completed the cataloguing of the books now numbering 1294 volumes, 327 of which had not previously been accessioned. Duplicate copies were designated and set apart. Persons making collections of Polynesian literature have been glad to avail themselves of the opportunity to secure these in some instances rare editions. By their sale the funds of the Society have been increased sufficiently to justify considerable expenditure for binding.

The sorting and arrangement of old files of Hawaiian magazines and papers comprised the last work of the year. It is hoped to be able to secure some of the missing numbers before this material is finally given to the binder.

The work of arranging the pamphlets still remains to be done. There is much duplicate matter which when made available will be a source of further income to the Society. This will be given the earliest possible attention.

During the summer Mr. H. M. Ballou, of Boston, Mass., came here to assist Mr. G. R. Carter, President of the Society, in preparing a bibliography of Hawaiian literature to be published in Washington. While engaged in this they made a card list of the Hyde and Baldwin collections which together contain 87 bound volumes, none of which is duplicated in the main collection.

No purchases have been made this year. From Mr. Charles R. Bishop has been received a copy of the "Memoirs of Hon. Bernice Pauahi Bishop" by Mary H. Krout. Reports and papers of different societies continue to be received in exchange for the publications of this Society, among these the Occasional Papers of the Bernice Pauahi Bishop Museum. Of the latter Vol. II, No. 3, "The Ancient Hawaiian House," a monograph by William T. Brigham published in 1908, is worthy special notice.

The membership now numbers 137. Twenty-six new members have been admitted since the last report. There are two deaths to record.

The work of the Librarian, especially with books in Hawaiian and other Polynesian languages, has been greatly facilitated by Dr. Alexander's kindly assistance, for which grateful acknowledgement is here made.

Respectfully submitted,

EDNA I. ALLYN,  
Librarian.

## Report of the Corresponding Secretary for the Year Ending January 29, 1909.

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The year past has been both interesting and profitable to our Society. The coming of Mr. Howard M. Ballou from Boston to coöperate with our President, ex-Governor George Carter, in preparing a bibliography of books, pamphlets and papers published in the Hawaiian language before 1860, was a stimulus to several of our members in the line of more interest in and a better understanding of the early literary work of the missionaries among the Hawaiians.

Our artist member, Mr. James A. Wilder, was induced to work up "A view of the missionary establishment at Hanaroorah, Woahoo, taken October 11, 1820," from an extremely rude pencil outline of the buildings alone. Mr. Wilder's really excellent sketch of the first mission premises made a fine frontispiece for the paper presented by Mr. Ballou to the Society, August 27, 1908. The other illustrations were furnished through the courtesy of the Paradise of the Pacific. A card catalogue of all the books in the Hawaiian language in the Historical Society, the Hawaiian Board and the government Archives as well as of the books in the hands of individuals was prepared by Messrs. Carter and Ballou assisted somewhat by other members of the Society. The books donated by Mr. D. Dwight Baldwin have been carefully arranged and put in cases labelled the D. D. Baldwin collection. The same thing has been done with the Hyde collection and also with the Hawaiian books previously owned by the Society. This work has been done by our President, ex-Governor Carter, who made the following report: "The Hyde collection has 256 items, to which the Baldwin collection added 117 new items. And since then among the book shelves other items (new) have been found up to 161 so that we have now in the Historical Society Library some 534 different things printed in the Hawaiian language." This means books, newspapers and pamphlets.

Very helpful donations have been received during the past year in connection with the Baldwin collection of books printed during the first forty or fifty years of the mission.

Judge Hartwell placed in the archives his account of papers drawn up at the time of Queen Liliuokalani's abdication. Mr. Warren Chamberlain presented valuable bound government reports and other pamphlets and papers. Miss Josephine Deyo, principal of the Hilo public schools, gave a complete set to date of Hawaii's Young People. Mr. A. W. Carter, of Waimea, Hawaii, secured for the Society a number of items from the old library of Father Lyons, the maker of Hawaiian S. S. Hymns. Other small donations have been received from individuals and the papers of the American Relief Fund of Honolulu have been turned over to the Society.

Steps are being taken to have about forty volumes of papers and books bound for better preservation. Numbers of the *Paradise of the Pacific* between 1892 and 1901 are needed to complete imperfect files for binding. Full sets of all the various Hawaiian school magazines and city papers of the islands should be kept by their publishers for the Historical Society, as well as a set for their own editorial rooms.

Sales to the amount of over four hundred dollars have been made of duplicate volumes of the Society. The Corresponding Secretary is preparing a list of Hawaiian books for sale by both the Hawaiian Board and the Historical Society, and will be glad to furnish this list to intending purchasers.

Correspondence has been had with Brother Joseph Dutton, of the Leper Settlement, Molokai, parties in New Zealand, Fiji, Samoa; The Free Library of Philadelphia, New Jersey City, Mr. E. C. Ayers of Chicago, Library of Congress, Bureau of Ethnology, beside Mr. Howard Ballou and other individuals.

We note that Mr. W. A. Bryan, a former Corresponding Secretary of this Society, is doing good promotion work on the mainland in illustrated lectures delivered before representative bodies of people in Eastern cities and that partly through his efforts Honolulu expects to entertain the American Scientists in 1910.

Through Mr. Thrum our Society has received a letter from Mr. H. M. Ballou enclosing the copy of a letter written by Rev. Sheldon Dibble, Oct. 11, 1843, when he was publishing his "History of the Sandwich Islands." This letter embodies a number of corrections which should be made in the history if a new edition should be published. It seems that while Mr. Dibble was printing and binding his book he felt the need of an appendix. This he had printed and added after a number of volumes had been bound and sent out. This appendix was

altered from time to time during the process of printing and binding. Then Mr. Andrews prepared three or four engravings which were put in the last books bound. Apparently there are several editions when in fact there was only one printing with various additions made during the process of binding.

Our fellow-member, Mr. T. G. Thrum, is editing a really new, but not illustrated edition of Dibble's History, embodying the corrections suggested in the letter of 1843 and also adding a very helpful index. This reissue will be completed some time during this coming summer.

It is interesting and not out of place to note some of the results of Dibble's literary work. He was probably the youngest ordained missionary coming to these islands, 22 years of age. He was only 36 when he died at Lahainaluna. He wrote three books. One an appeal to Christians in the home land to drink deeply of the missionary spirit; another, the History and General Views of the Sandwich Island Mission, and the third his widely known History of the Sandwich Islands. As a result of delving into Hawaiian lore—He Moolelo Hawaii, was written in Hawaiian in 1838 by some of the pupils of the Lahainaluna School under his supervision. This was translated by Rev. Reuben Tinker and published up to the last few pages in the Hawaiian Spectator of 1839. It was enlarged in Hawaiian language into a much more valuable Hawaiian History in 1856 by Rev. J. Pogue—Ka Hae Hawaii (The Hawaiian Banner) of 1859 published a similar history with the same foundation, Kamakau wrote much for the Hawaiian papers and gave much valuable information to Fornandes, and David Malo who was Dibble's right-hand man in Hawaiian research, prepared a fine work on Hawaiian antiquities which has been translated by Dr. Emersan and published by the Bishop Museum.

All of this valuable research (and more) can be traced directly to the inspiration given by Rev. Sheldon Dibble.

W. D. WESTERVELT.



## A Letter from Vancouver, March 2, 1794.

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Having visited the Island of Owhyhee in the years 1792. 1793. and 1794; but particularly in the latter year, when we remained in Karakakooa Bay from the 14th. of January to the 26th. of February; I beg leave to inform all commanders of Vessels, &c. &c.; that we have been treated with the greatest friendship, attention and hospitality, by the whole of the inhabitants of this Island; but particularly by Tamaah Maah, it's King; to whose particular care I would recommend all visitors to entrust themselves, notwithstanding we have been treated with the greatest attention and civility by every other chief—they are, however, to be trusted with proper caution, Kahow Modoo, in one instance, having not altogether acted equal to the character I have given of him, in writing, on my former visit.

Tamaah Maah's conduct has been of the most princely nature: supplying us with every refreshment the Island affords, and other necessary articles, without the unpleasant task of bartering for such things: and for his friendly and good behavior I caused a large boat to be built and given him, called the Britannia: her sixe &c. &c. being mentioned on a plate of copper, nailed to the stern of that vessel

I also beg leave to inform all visitors that on the 25th. of February, in a grand council of the principal Chiefs of this Island, assembled on board His Britannic Majesty's Vessel under my command Tamaah Maah made the most solemn cession, possible, of the Island of Owhyhee to His Britannic Majesty, his heirs, &c. and himself with the attending chiefs unanimously acknowledged themselves subject to the British crown. I therefore in the name of the King my master, recommend him to be treated with all the kindness he so justly will be found to merit: as also the other Chiefs and inhabitants of the Island, in such manner as their conduct hereafter may entitle them to deserve, And I likewise beg leave to recommend Messrs John Young and Isaac Davis to whose services not only the persons &c. under my command have been highly indebted for their good offices, but I am convinced that through the uniformity of their conduct and unremitting good advice to Tamaah Maah and the different chiefs, that they have been materially instrumental in causing the honest, civil,

and attentive behavior, lately experienced by all visitors from the inhabitants of this Island; so contrary to the reports that have been published in England to their great disgrace and the inhuman conduct of these Islanders, prior to the residing of the said persons among them. There are other Europeans &c. remaining on the Island; but I am unacquainted with their intentions whether directed to useful or pernicious purposes.

Such being the present situation of what we have experienced in Owhyhee, I leave this testimony for the guidance of other visitors; which, that they may benefit by, is the sincerest wish of their humble servant.

Geo: Vancouver

His Britannic Majesty's  
Sloop Discovery, Toe, Yah-Bay  
Owhyhee, 2nd. March 1794.

## The Oahu Charity School.

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W. D. Alexander.

The so-called Oahu Charity School was, if not the first, for many years the only school for English-speaking children in the Hawaiian Islands.

The best account of the origin of this school is contained in an article written by Rev. John Diell for the *Hawaiian Spectator* in 1838.

The missionaries stationed at Honolulu were overwhelmed with labor for the native race, in preaching, translating the Bible, preparing text books and superintending schools for the natives which were taught in the Hawaiian language.

Meanwhile a large class of children of foreigners by Hawaiian mothers was growing up without opportunities for education, when an incident trifling in itself led to the establishment of the Oahu Charity School.

Mr. and Mrs. Andrew Johnstone were members of the reinforcement to the American Mission, which arrived in the spring of 1831. As the port of Honolulu was not then provided with a Seamen's chaplain, Mr. Johnstone, by a previous understanding, devoted part of his time to visiting seamen and distributing Bibles and other books among them. During one of these visits, he fell in with an interesting lad of 12 or 14 years of age, the son of a Captain Carter, commanding the English Cutter "William Little" then in port. Mr. Johnstone offered the little fellow some books, on which he remarked that they had just such books on board of his father's vessel, a library having been given them by the Sunday school of Dr. Raffles' church in Liverpool.

Mr. Johnstone invited the lad to his house, and in a day or two he brought with him another lad, the son of a foreign resident, who asked Mr. Johnstone to teach him to read. He assented with pleasure, and very soon one and another boy came asking the same favor, and a regular class was formed. An interest in the subject was excited among the foreign residents, and on the 9th of August, A. D. 1832, a subscription was opened to raise funds for the erection of a school house, for the instruction of English-speaking children, and four hundred dollars were subscribed by residents before night.

The cause was liberally aided by the ship-masters in port, and by the officers and men of the U. S. frigate "Potomac." Altogether nearly \$2,000 was raised for the school before the close of the year.

The King granted a lot for the school on condition that the native tenants should receive compensation for being dispossessed.

The site of the Oahu Charity School, as stated by Mr. Warren Goodale, "was near the Waikiki end of the present Judiciary building, on a lane which ran through from King street to Queen street." The name of the locality was Mililani.

On August 20, A. D. 1832, residents and masters of vessels met at the Oahu Hotel at 7 p. m. Richard Charlton, the British Consul, was called to the chair and Stephen Reynolds chosen Secretary.

The chairman stated that the object of the meeting was to adopt measures to build a School House for the education of children of foreign residents.

A Committee of seven was chosen to form plans for the school and to report them at a future meeting.

On September 6, another meeting of subscribers to the fund was held to hear the report of the committee and elect trustees. The following gentlemen were elected as trustees, viz: Henry A. Pierce, Secretary; Captain Geo. Ward Cole, Treasurer; J. C. Jones, Richard Charlton, Alex. Adams, Eliab Grimes and James Robinson.

An article was passed that no religious books be used in the school except the Bible, without note or comment.

On the 28th of December, A. D. 1832, Mr. Paty, the architect, completed the school house and presented the key to Mr. Wm. French, the acting treasurer.

It was a neat, substantial building of coral stone, 36ft.x26ft. fitted up with benches, and other conveniences for a school room, and with a handsome desk. In the cupola was a bell presented by John C. Jones, U. S. Consul. The total cost was about \$1,800.

On the 10th of January, A. D. 1833, the formal opening took place. As related in Stephen Reynolds' diary, "At 11 a. m. a procession was formed at Mr. French's house, consisting of the boys of the residents, preceded by music, the missionaries,

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Note.—Mr. Wm. French's residence was situated on the South side of Alakea street, mauka of the present entrance to the Hawaiian Hotel.

the school committee with the King, then resident subscribers, followed by strangers. Captain Hinckley and Captain John Meek were marshals for the day. They marched to the school house, where the ladies of the Mission family, also Mrs. Hinckley, Mrs. Dowsett, Misses Prescott and Davis with several female chiefs; Kinau, Kekauonohi, Kekauluohi and Governor Adams' wife and daughter, (were already assembled). Prayer was offered by Rev. H. Bingham, followed by an able address by Mr. J. C. Jones, and the concluding prayer by Rev. R. Tinker. The day was fine and every one appeared to be much gratified." Again he states "January 13th, A. D. 1833. The missionaries asked permission to preach in the school house (which was granted), Rev. R. Tinker to be the preacher."

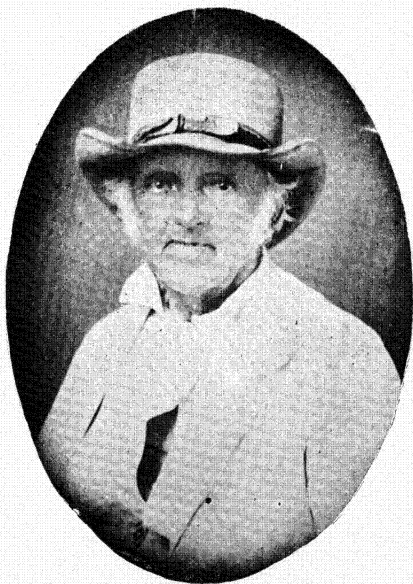
A few days after, the school was opened by Mr. and Mrs. Johnstone, in the new building, with 35 pupils, which was the average number during the first year.

#### STEPHEN REYNOLDS.

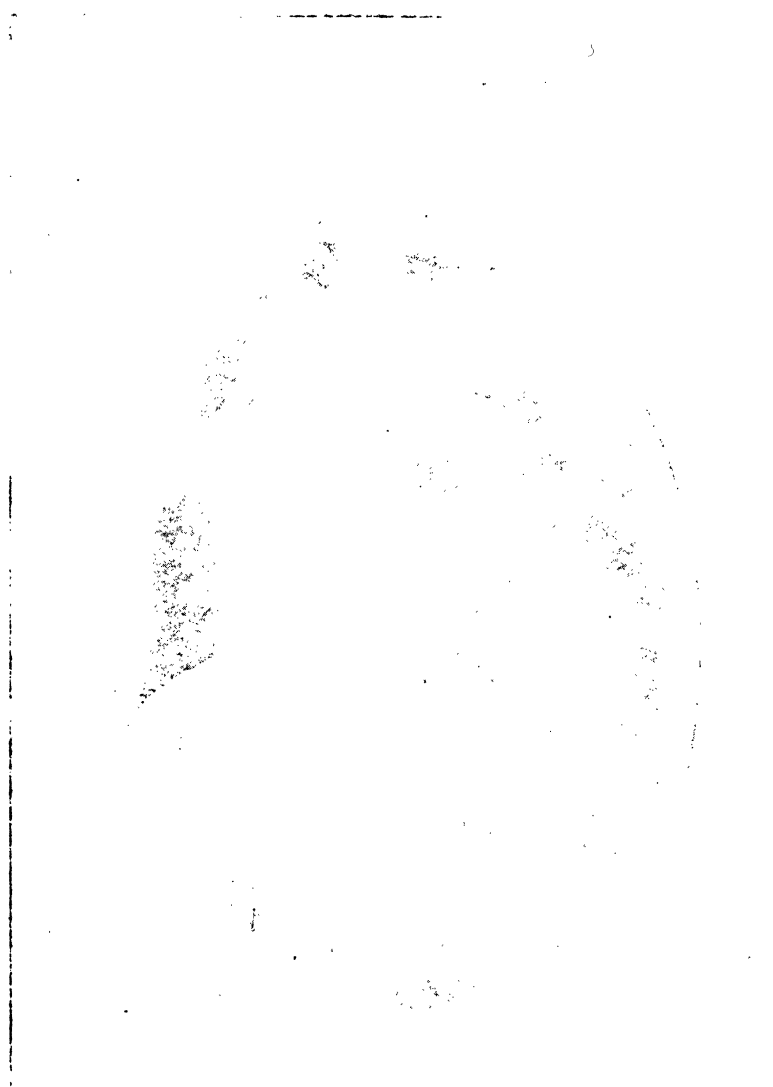
As the records of the Oahu Charity School have been lost, our chief source of information respecting it is the diary of Stephen Reynolds, who was its permanent Treasurer and main stand-by. There is a good account of him by Mr. G. D. Gilman in the Hawaiian Annual for 1904. He came to the Island in 1823, from Boxford, Mass., where his daughter, Mrs. Matilda Wilmarth, still resides. He served as a clerk for Mr. Wm. French until 1829, when he went into business on his own account. His store stood on Merchant street opposite to the site of the present Police Station. His residence was a coral-stone house, built by George Wood, on Union street, opposite to the Monsarrats, where he gave dancing lessons to the pupils of the Oahu Charity School. He was for many years the harbor master and often acted as pilot. He returned to the United States in 1855, and died in West Boxford, Mass., July 17, 1857.

He was an original character, thoroughly independent in his ways of thinking, of strong prejudices, but kind and generous to the needy or oppressed. He was a self-taught lawyer of no mean ability. He was especially devoted to the Oahu Charity School, and took a fatherly interest in its pupils. Many times he advanced large sums for its support, out of his own pocket, of which several hundred dollars were never repaid.

The Rev. John Diell, seamen's chaplain, who arrived in Honolulu, May 1, 1833, continued to hold weekly religious



STEPHEN REYNOLDS.



LIBRARY OF THE

services in the English language, which were well attended, in the school house, until the opening of the "Bethel Church," on the 28th of November, A. D. 1833.

The bitterness of the feuds which then divided the foreign community is shown by the fact that while the trustees of the Oahu Charity School willingly granted the use of the school room by Rev. J. Diell on Sundays as a Seamen's chapel, they voted on May 3, A. D. 1833, that Rev. H. Bingham, on account of his alleged libels against the foreign residents, should thenceforth be debarred from performing any religious services in it.

It should be mentioned that at the "General Meeting" of the American missionaries held in June, 1832, it was for good reasons given:

"Resolved, That the Mission approve of Mr. and Mrs. Johnstone's continuing their attention to the instruction of the children of foreigners, making annually such a report to the Mission of the school and their labors, as is required of the rest of our number in our respective spheres of action." Again at the General Meeting of 1834, it was voted "That the Mission approve of Mr. and Mrs. Johnstone's continuing their connection with the Oahu Charity School for the present year, on the same conditions as last year."

On May 20, 1833, "a meeting was called to see if the sum of \$500 would be subscribed for Mr. and Mrs. Johnstone, as a salary for carrying on the school for one year, on condition that they give their whole time to that object."

On October 10, 1833, Mr. Stephen Reynolds sent a rocking chair to the school house for the use of Mrs. Johnstone.

On November 27, 1833, a public examination of the pupils took place, and on the next day a meeting of subscribers was held for the choice of officers, at which Mr. H. A. Peirce was chosen Secretary, Mr. W. French, Treasurer, and Messrs. Richard Charlton, Eliab Grimes, Stephen Reynolds, Alexander Adams and James Robinson the Executive Committee. Mrs. Hinckley, Mrs. Taylor and Miss Smith were chosen as a "Female Committee."

For October 4, 1834, we find in Reynolds' diary the following entries: "Evening—A meeting of the trustees of the school at Mr. E. Grimes' to see the state of the funds. Found about \$80 in the Treasury. Mr. J. Thompson generously gave \$100, received from sales of the Nautical Almanac for 1833. Several other persons subscribed, so that we raised \$265."



December 3, 1834. "At 10 a. m. trustees, officers of the Oahu Charity School, strangers, etc., visited the school, and all were much pleased. Mr. Jones made a short address, and spoke in most severe terms of censure of those who were opposed to the institution, and in high terms of the teachers, patrons, etc."

#### MR. JOHNSTONE RETIRES FROM THE AMERICAN MISSION.

In the year 1835, the connection of Mr. and Mrs. Johnstone with the American Mission was dissolved, not by any action of the Mission itself, but in consequence of a letter addressed to Mr. Johnstone by the Secretary of the Board in Boston. This letter is not in the Archives of the Mission, but from other sources it appears that the reasons given for the above action were that "the children of foreigners in heathen lands fall without the range of objects embraced by the Board," that the school was not under the control of the Board, and lastly, that the English language, exclusively, was taught in it. The school therefore did not conform to the general policy of the Board, which was to make the vernacular tongue the medium of instruction in all the schools under its control. Of these reasons, the second is the only one that has much weight.

The effect of this proceeding was unfortunate, as it widened the breach already existing in the community, thus weakening the influence of the Mission for good, and even disturbed the harmony that had prevailed in the Mission itself. Stephen Reynolds' diary contains many references to this affair. Under date of June 9, 1835, he wrote: "At two p. m. I received a letter from Andrew Johnstone, stating that he had received a letter from the Secretary of the American Board, disapproving of his teaching the Oahu Charity School, because he taught in English, and that he must leave the Mission or leave the school. Evening, the trustees met at J. C. Jones' to take the letter into consideration. Voted that Mr. J. C. Jones take the letter into consideration. Voted that Mr. J. C. Jones write an answer to Mr. Johnstone; that S. Reynolds, Dr. Rooke and M. S. Hinckley be a committee to wait on Mr. Johnstone with the answer, and that they gain all the information they can respecting the cause of the letter from the Board. Also that a meeting of subscribers be called to meet at the Oahu Hotel." Again,

"June 10, 1835. At four p. m. Dr. T. C. B. Rooke, W. S. Hinckley and myself went down to see Mr. and Mrs. Johnstone. They informed us that they intended to remain in the school, if that was the desire of the trustees. They were not informed how the meeting (of the Mission) would act on the letter from the Board, but did not think they would do anything contrary to the views of the Board at home. Mrs. Johnstone said that she wished to return to the United States this fall on a visit. In case the meeting dismissed them from the Mission family, they would ask the trustees for further compensation equal to house rent.

"June 11, 1835. Evening, a meeting of the subscribers to the Oahu Charity School, held at the Oahu Hotel, to see what measures they would adopt to keep Mr. and Mrs. Johnstone in as comfortable a situation as they were in while attached to the Mission. None were found unwilling. Mr. J. C. Jones was chosen moderator, and S. Reynolds, secretary. Mr. Jones addressed the meeting from the chair in regard to the action of the Board. Resolutions were passed unanimously to sustain Mr. and Mrs. Johnstone while they continue as teachers. Over \$800 were subscribed immediately in materials, labor, etc., by only seventeen subscribers. Several residents who were absent are yet to subscribe. \* \* \*

"June 12, 1835. The letter from the Board to Mr. Johnstone was read before the 'General Meeting' of the Mission (on the 10th), which brought on a warm discussion. It was finally referred to a committee.

"June 16, 1835. Afternoon, Messrs. Baldwin and Armstrong called on me with a letter setting forth the action of the Mission concerning the school, in having voted at their general meetings for three years that Mr. and Mrs. Johnstone should instruct the Oahu Charity School in English, also the resolution adopted (on the 15th) upon the letter which Mr. Johnstone lately received.

"Early in the evening I presented the letter from Messrs. Baldwin and Armstrong to the trustees, who called a meeting for the next evening. Sent the above letter to Mr. Johnstone for his perusal.

"June 17, 1835. Evening, trustees meet to consider the letter from Messrs. Baldwin and Armstrong. Voted that the sub-committee wait again on Mr. Johnstone, and ask for a copy of the letter received from the Board. \* \* \*

"June 19, 1835. At 9 a. m. Mr. Johnstone came up to Mr. Hinckley's to meet trustees of the Oahu Charity School. He

brought Dr. Anderson's letter to him, respecting the Oahu Charity School, and allowed a copy of it to be taken. A letter was then written to Messrs. Baldwin and Armstrong, requesting an explanation of parts of their letter of the 16th inst.

"June 23, 1835. Received a letter from Messrs. Armstrong and Baldwin in reply to the trustees' letter of the 19th inst. (Voted by the Mission June 22.) Evening Mr. Jones, Mr. French and myself met, no others being present. Agreed that a short reply be sent them.

"June 26, 1835. Sent a reply to the letter of Armstrong and Baldwin of the 22nd inst."

On the part of the Mission, it may be stated that on June 10 the letter from the Board to Mr. Johnstone was read before the General Meeting and action on it deferred. On the 12th the subject was again discussed, and a committee of two appointed to confer with Mr. Johnstone, consisting of Messrs. Armstrong and Baldwin. On the 13th the annual report of the Oahu Charity School was received and accepted. On the 15th the above committee reported Mr. Johnstone's views on the subject, which they approved, viz: that the Prudential Committee of the Board had not been correctly informed in regard to the character and importance of the school and its future influence on the nation; that Mr. Johnstone had received a salary of \$500 per annum from the trustees ever since he took charge of the school. The number of scholars then enrolled was 90, of whom 57 were constant in their attendance, and the rest more or less irregular. Though their studies were pursued in English, they spoke and read both English and Hawaiian. The school was located in the political and business centre of the Islands, its pupils were destined to exert an important influence in the country, and it was in the highest degree desirable that their teacher should be a good man. They recommended therefore that Mr. Johnstone should retain his connection with the Mission until he could hear again from the Prudential Committee, and that full information in regard to the school be laid before that committee. Resolutions were passed in accordance with these recommendations.

On Saturday the 20th, a letter from the trustees of the Oahu Charity School, desiring further explanations was read, upon which the subject was again discussed and a resolution passed, stating that Mr. Johnstone was regarded as holding the same relation to the Mission as heretofore; but that he was expected to receive his entire support, except the use

of a house, directly from the trustees, pending further directions from the Board.

This action, however, was rescinded in the afternoon of the same day, after much discussion, and Rev. Sheldon Dibble was appointed to draft a reply to the trustees of the Oahu Charity School, embodying the views of the majority.

On Monday the 22nd of June, 1835, Mr. Dibble read his letter before the General Meeting, and after some discussion it was voted that all the preceding measures taken on the subject be recalled, and that the committee reply to the letter of the trustees as follows:

"Gentlemen: Your answer to our request for information respecting the Oahu Charity School was duly received and laid before the General Meeting of the Mission, in whose name we reply;

"That in our opinion Mr. Johnstone's connection with our Mission is in no way affected by the letter of the Prudential Committee until he shall choose one of the three courses mentioned in said letter.

"We should have passed no resolution respecting the subject, had it not been that Mr. Johnstone wished to know our minds; and though Mr. Johnstone said he would look to you for support, yet we did not expect him to do it in any other way than he has heretofore done, unless it should be his and your wish. We think we have nothing to say on the subject except to state how we understand it. The Prudential Committee of the Board made their communication directly to him and not through us, and have given us no discretionary power. We leave the question therefore to him and them."

This closed the correspondence but was a great disappointment to Mr. Johnstone, who then chose to give up a certain for an uncertain support.

#### DWELLING HOUSE PROVIDED FOR MR. JOHNSTONE.

In Mr. Stephen Reynolds' diary under date of August 9, 1835, we find the following:

"Evening. Trustees met at J. C. Jones'. A letter was received from Mr. Johnstone, informing us that he was under the necessity of procuring a house, as he had been notified that the Mission wanted the house that he was living in. The trustees hired Mr. French's house for five months at

\$16.67 per month. Dr. Rooke and myself were chosen to prepare a statement of the origin, progress and prospects of the school, etc., for the press.

"August 11, 1835. Mr. Andrew Johnstone moved from the Mission into a house belonging to a native."

(Extract from Tinker's diary. "September 1, 1835. Mr. Spalding moved into the Johnstone house.")

"October 29, 1835. Made up Oahu Charity School accounts for the current year. About \$265 in Treasury, if no bad debts. Gave order for sale of Nautical Almanacs which I got printed at the Mission press for the current year.

November 25, 1835. At 10 a. m. Trustees, Secretary and Treasurer, many shipmasters and residents went to the school house. The scholars exhibited specimens of writing, arithmetic, reading and spelling. About 25 boys and 23 girls were present, a number were absent. Mr. J. C. Jones made an appropriate address.

"Much gratification expressed by all present, among whom were Messrs. Tinker, Parker and Diell, the chaplain."

A public examination of the pupils was held every year in November, and the annual meeting of the subscribers to hear the Treasurer's report and elect officers was held in the first week of every January.

The Trustees of the Oahu Charity School met with considerable difficulty and delay in providing a dwelling house for Mr. Johnstone.

Several meetings of the subscribers were held, at which various plans were proposed, but finally in October, 1836, it was decided to offer Harry Zupplien \$1800 "for his place on the plains," which he accepted. This place was situated on the southeast corner of King and Alapai streets, and is now owned by Mr. C. H. Atherton.

By Mr. Reynolds' advice, a second story (of wood) was built upon the first story of stone, and verandahs were added to the house.

There was much difficulty in raising the necessary funds. The total cost of the improvements amounted to \$1856.62. It was not till the 16th of May, 1837, that Mr. Johnstone moved into the new dwelling house.

## DONATIONS, ETC.

In May, 1837, a bequest was received from the estate left by the well-known scientist, Dr. Gairdner, amounting to about

\$500, which by the conditions of his will, was to be used for the benefit of orphan children.

On June 19, 1839, a map of the world, 7 feet in length, was received from Abner Harris, by the ship "Thomas Perkins." In November of that year a subscription was taken up on the U. S. sloop of war, "John Adams," amounting to \$97.25, which was paid to the Treasurer of the School. On the 31st of December a concert was given at the school house by several gentlemen, J. F. B. Marshall, J. Johnson, D. Johnson and Mr. Calkins, which netted \$65 for the school.

On February 27, 1840, in making up the school accounts, Mr. Reynolds found that the debt amounted to \$1400.

During this year, however, some noteworthy donations to the School were received from abroad. Mrs. Sarah Saunders of London, a member of the Society of Friends, sent two boxes containing a variety of fancy articles, toys, etc., to the care of Mrs. Mary Taylor of Honolulu, by the Hudson Bay Co.'s bark "Columbia," which arrived in February, 1840. These articles were sold at auction for the benefit of the School, part of them February 21 and the remainder on July 1, and brought the sum of \$892.75.

Again, some of the personal friends of Mrs. Johnstone in New York sent an assortment of articles by the ship "Lausanne," under the special care of Rev. Sheldon Dibble, which were sold at auction for the benefit of the School, April 20, 1840, and brought in \$296.

#### STATUS OF THE SCHOOL IN 1840-41.

Mr. Stephen Reynolds' diary for October 27, 1840, contains the following:

"At 10 a. m. went to an extra examination of the Oahu Charity School with several officers of the U. S. Exploring Expedition, Commodore Wilkes, and a Mr. Waterhouse, of the Board of Longitude in London; Dr. White and wife, Rev. A. Bishop, Rev. R. Armstrong, Dr. Judd and others. All said that they were much pleased.

"Rev. J. Diell said that he was astonished at the improvement in the scholars accomplished in two years. Commodore Wilkes also spoke favorably and complimented the teachers."

From an article by Rev. R. Armstrong, published in the *Polynesian* November 14, 1840, I quote the following statement:

"The Oahu Charity School house is a well arranged and well furnished building, in a convenient location, but is quite

too small for the accommodation of 80 scholars. It is so contracted as to oblige the teachers to divide the school into two parts, having the boys attend in the forenoon and the girls in the afternoon. The room appeared to be well furnished with cards, maps, books, slates, etc., of excellent quality and in sufficient variety."

From a report to the trustees by Dr. Rooke, published April 10, 1841, I will take the following extracts:

"Children have been sent to this school from the Russian settlements in Kamchatka, from California and from the other islands. The total cost of buildings for the boarding school has been \$4300, mostly borrowed under a mortgage. The valuable presents of an orrery and a pair of 18 inch globes have lately been received. In 1837 the debt amounted to \$5000, drawing six (6%) per cent interest. This was increased by the erection of permanent buildings, but by generous donations from friends both here and in the United States and England, the debt was reduced to \$700. The property was then valued at \$8000."

During these years there is frequent mention in Mr. Reynolds' diary of the evening dancing school which he conducted for the benefit of the pupils of the Oahu Charity School. On January 29, 1842, some of the older girls asked him to be excused from sewing in school, on the plea that they wanted more time for study, but their request was not granted.

On the 24th of February, 1842, another auction of articles sent from London by Mrs. Saunders was held for the benefit of the school, and brought the sum of \$511.

On the 1st of November, 1842, a consignment of articles sent from New York by Mrs. Doremus, was sold at auction at the Chinamen's Hall for the benefit of the School. "The foreign ladies attended and bought (the articles) to the amount of \$407." During that year nine boys from the best families of California were sent here to be educated at the "Oahu Charity School." One of these boys, Romualdo Pacheco, afterwards held the offices of State Senator and Lieutenant Governor of California.

Unfortunately there were during those years indications of friction between Mr. and Mrs. Johnstone and certain of the trustees. On October 4, 1841, in a talk between Mr. Reynolds and Mr. Andrew Johnstone, the latter offered to send in his resignation. On February 8, 1843, according to Reynolds' journal:

"In the afternoon Mrs. Nye and Mrs. Armstrong went to the school to learn the scholars to sing by note. (This was

undoubtedly by the wish of the teachers.) Told them it was very much against my views to teach singing in a reading and writing school, that it was impertinent for strangers to come in and introduce what they pleased into the school against the views and wishes of the guardians of the school. Had anything but a sweet time.

"February 9, 1843. At 1 p. m. received a letter from Charles Brewer, directing that his name and that of Henry Peirce be erased from the list of subscribers to the Oahu Charity School, in consequence of the remarks I made in the school yesterday. So we go."

Compare the account in the Hawaiian Annual for 1905, p. 86.

On the 11th of April, 1843, officers of H. B. M.'s frigate "Carysfort" subscribed \$68 for the school. On January 3, 1844, the annual meeting of subscribers was held in the "Mansion House," which was on Beretania street, adjoining Garden lane. As Mr. Reynolds states:

"After the regular business of the meeting Mr. R. G. Davis made a verbal communication from Mr. Johnstone, stating that Mrs. Johnstone wished to retire from her position as assistant teacher. It was moved and carried not to take any notice of it. The Secretary (Fred. W. Thompson) was directed to write him a letter, informing him that any communication from him in writing would be attended to by the trustees . . .

"January 20, 1844. Mr. Andrew Johnstone called and endorsed his order for salary for 1843. Had some conversation with him respecting his not treating the trustees of the School with civility. He got into a passion, and went into the American Consul's and other places, saying, that he was going to open a private school. About 4 o'clock he went around and put up notices, etc. Trustees met at 7 p. m. at the 'Mansion House,' all present but Eliab Grimes. Voted that a letter be written by the Secretary and Dr. Rooke, to be approved by the trustees on Monday, at 10 a. m., also that a letter be written to Rev. Lorrin Andrews, asking him if he could or would be inclined to teach the Oahu Charity School.

"January 21, 1844. Evening, trustees of the School met to see and hear the letter written by Rooke and Thompson. Mr. Thompson was appointed to go in the morning to take the key of the school house, and take account of the books, etc., in Mr. Johnstone's charge.

"January 24, 1844. Mr. Johnstone around the village trying his luck at getting scholars for his private school.



"February 2, 1844. Mr. Andrews sent an answer to the secretary's letter, saying that it would be a sacrifice for him to accept the position of teacher of the Oahu Charity School."

The position remained vacant for seven months, and during the next seven years was occupied by eight different teachers.

In Mr. R. C. Wyllie's notes on Hawaiian matters, published in *The Friend* in 1844, he makes the following remarks on this affair:

"The School continued to increase in numbers and usefulness till Mr. & Mrs. Johnstone found on the part of some of the Trustees a growing feeling of dislike and opposition, originating, it is believed, in private animosity, and after much patient endurance, were obliged to surrender their charge on the 22nd of January, 1844."

He also states that: "Mrs. Saunders alone, has remitted for the benefit of this school since 1835, upwards of \$2,500.00."

The number of pupils in Mr. Johnstone's private school was then 32.

The dwelling house on Alapai street was rented to Mr. Sea for a term of years.

#### EIGHT AMATEUR TEACHERS.

On the 18th of August, 1844, the Trustees of the School met at Eliab Grimes' and appointed Mr. B. O. Spalding as teacher on a salary of \$50 a month. He held the position two weeks, and then resigned. He was succeeded September 2, by E. L. Stetson, who "held the fort" for over thirteen months.

Mr. Reynolds' diary for December 25, 1844, contains the following:

"At 10 a. m. went to examination of the school with Hiram Grimes and F. W. Thompson. The school was under excellent discipline, reflecting highly to the credit of Mr. Stetson. He had prepared two small silver medals, one to be given to the best boy scholar, and the other to the best girl scholar. Robert Charlton received one for the boys, and Harriet Blanchard one for the girls." Again,

"February 19, 1845. At 11 a. m., Commodore Parker (of the *Brandywine*), the Chaplain and myself with Dr. Rooke and Mr. Thompson visited the Oahu Charity School, and all expressed much pleasure.

"July 18, 1845. The Oahu Charity School house was entered by breaking one of the windows. About forty volumes

of new books, and a number of inkstands, quills, etc., were stolen.

"October 14, 1845. Mr. Stetson gave up teaching in the Oahu Charity School to go as clerk to Captain Hull in the 'Warren'.

"December 5, 1845. Evening, meeting of the Trustees, who agreed to hire Mr. E. L. Hatch on probation. December 8, 1846. Mr. Hatch commenced teaching the Oahu Charity School, for \$50 a month."

He held the position nearly three years, and seems to have done fairly well, the school having increased to 55 in number. We find that Messrs. Richards, Armstrong and Damon attended some of the school meetings, and assisted in procuring books for a School Library. The following is an extract from the report of Mr. Richards, as Minister of Public Instruction, made August 1, 1847:

"The expenses of the school from its commencement have amounted to \$15,351; viz, \$8275 for fixtures, \$6746 for instruction, and \$330 for books and stationery . . . In February, 1847, some ten or twelve of the most advanced females in this school, were removed from it for the purpose of attending to ornamental needlework and other essential branches of female education under the care of Mrs. Gummer.

"There is also another select English school for the same class of pupils under the care of Mr. Andrew Johnstone, the same worthy gentleman who for 11 years was the teacher of the Oahu Charity School. This school has been in existence about two years, and during a portion of that time, several children whose parents were both foreign have attended it. The number of pupils in this school at present is 25. Ten of them are natives and the remaining 15 are, with one exception, the children of foreign fathers by native mothers, a majority of whom were under Mr. Johnstone's instruction while connected with the Oahu Charity School. Since the establishment of this school, 7 lads have removed from it to Mr. Robt. Gordon's 'High School', and 5 girls to the school of Mrs. Gummer, established in February, 1847."

Mr. Hatch, however, was restless, and three times gave notice of his intention to leave.

Chief Justice Lee was elected as one of the trustees, January 5, 1848, together with Stephen Reynolds, Dr. Rooke, John Meek, F. W. Thompson, R. C. Davis and J. O. Carter . . .

On May 5, 1848, Mr. C. W. Vincent, manager of the Thespian theatre, gave the Treasurer of the School \$96.25, the net proceeds of the "Benefit" of February 8, 1848.

Mr. Hatch finally resigned September 26, 1848. A Mr. H. French was appointed in his place on January 24, 1849, and held the position till the following May when he resigned to become a clerk to Mr. R. C. Wyllie. The Oahu Charity School dwelling house was leased to Henry S. Swinton, March 7, 1849, for \$30 a month. There was an interregnum of seven months, during which several candidates applied for the vacant place.

Finally, November 24, 1849, a Mr. E. S. Ruggles, who had recently arrived from the East, was engaged to carry on the school at the rate of \$800 per annum, beginning December 1, 1849.

On February 8, 1850, Mr. F. B. Graham, manager of the Theatre, paid into the Treasurer's hands \$135.62, the proceeds of a "Benefit" given on the 6th.

On March 14, the school debt amounted to \$582. Mr. Ruggles was paid off May 2, and a Mr. B. Soden appointed in his place, who remained ten months.

The school seems to have been running down that year, for at the annual examination, December 4, 1850, there were only twenty boys and nine girls present.

On the 27th of February, 1851, a Circus company gave a "Benefit" for the Oahu Charity School, which realized \$283.50. Mr. Soden was paid off March 14, 1851. A Mr. Daly was offered the place at \$800 a year, but declined. Mr. H. S. Patten commenced teaching on April 7, and left May 31, 1851.

A Mr. Samuel Lea was then chosen to fill the position, which he retained till December 31, 1852.

### THE TOWN FREE SCHOOL.

The languishing condition of this important school had long been deplored by the friends of education, and on the 4th of June, 1851, a public meeting was held at "Mauna Kilika", a house on the waterfront, south of the Fort, to discuss proposed plans for the education of the children of foreigners, including both whites and part Hawaiians.

It was proposed to impose a special tax on all foreigners of legal age residing in Honolulu, of \$3 for every individual without children; and \$5 for every individual having children within the school age, for the purpose of supporting a "Town Free School." This plan met with general approval. The meeting was addressed by C. C. Harris, Chief Justice Lee and others. A law was passed by the Legislature of 1851, embodying these provisions, and providing for the annual elec-

tion of a School Committee by the persons liable to the above tax, said Committee to have the charge of the school formerly called the "Oahu Charity School."

On the 29th of December, 1851, the first election under this law was held, at which Messrs. W. L. Lee, S. C. Damon, R. G. Davis, R. Armstrong and Stephen Reynolds were elected as the "School Committee of Honolulu." The new Committee put the school house in good repair and continued the former teacher, Mr. Lea, on a salary of \$1000 a year. Mr. Reynolds collected back rent for the Oahu Charity dwelling house, amounting with interest to \$816.13. After conducting the school quite satisfactorily through the year, Mr. Lea resigned December 31, 1852. As there was a deficit at the close of the year, the School Committee decided to charge tuition, viz: \$3 a quarter for children "whose parents are able and willing to pay it." After a vacation of three months, Mr. G. B. C. Ingraham was appointed March 22, 1853, with a salary of \$900 at first. He seems to have been "the right man in the right place," and retained the position for 12 years, until his lamented death, May 1, 1865.

The constitutionality of the law was contested, and a case carried up to the Supreme Court, which sustained the law.

In January, 1854, the Oahu Charity dwelling house was sold to Mr. Chas. Taner for \$1500.

Mr. Ingraham's salary was raised to \$1200 in 1855, and to \$1500 in 1860. The number of his pupils increased to 89 in 1862, when Miss Clara Armstrong was engaged as an assistant, and a second story of wood was added to the school house.

The Civil Code of 1860 repealed the School Law of 1861, so that the Town Free School came under the charge of the District Superintendent of Schools, who at that time was Mr. J. Fuller.

In the summer of 1865 the Board of Education adopted the policy of separating the sexes, making the Royal School at Kahehuna, exclusively a boys' school, and changing what had been until then known as the "Honolulu Free School," into the "Mililani Girls' School," which was put under the charge of Miss F. Corney assisted by Mrs. Caroline Kinney. This school was supported by the District School Fund. It commenced with 71 pupils.

As for the boys, it is probable that the majority of them entered the Royal School, although a few may have entered the Fort Street School, which was opened by Mr. M. B. Beckwith in September of that year as a private school, and taken

over as a Government School by the Board of Education in March 1869. It is this latter school, commenced in the basement of the old Fort Street Church, that has now grown into the McKinley High School.

In January, 1874, "the Board of Education exchanged with the Minister of the Interior its title to the school premises at Mililani for a retired and very desirable locality on Punch-bowl street," called Pohukaina.

To this spot was conveyed the upper wooden story of the Mililani school house, formerly known as the Oahu Charity school house, and another commodious building erected on the premises. The school has ever since been known as the Pohukaina School.

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## APPENDIX A.

### A LIST OF TEACHERS OF THE OAHU CHARITY SCHOOL.

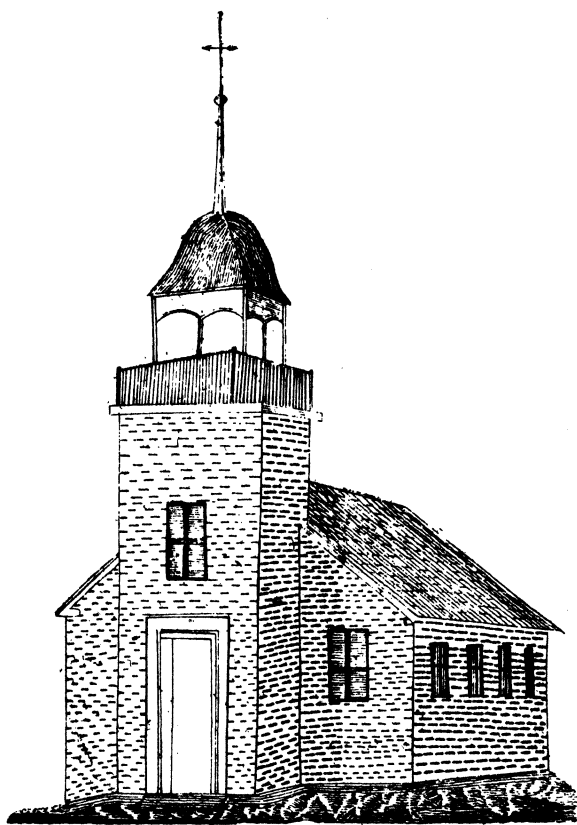
Andrew Johnstone, January 10, 1833, until January 21, 1844.  
 B. O. Spalding, August 18, 1844, until September 2, 1844.  
 E. L. Stetson, September 2, 1844, until October 14, 1845.  
 E. L. Hatch, December 8, 1845, until September 26, 1848.  
 H. H. French, January 24, 1849, until May 5, 1849.  
 E. S. Ruggles, December 1, 1849, until April 25, 1850.  
 B. Soden, May 25, 1850, until March 25, 1851.  
 H. S. Patten, April 7, 1851, until May 31, 1851.  
 Samuel Lea, June 1, 1851, until December 31, 1851.  
 Name changed to Town Free School on January 1, 1852.  
 G. B. C. Ingraham, March 22, 1853, until 1865.  
 Name changed to Mililani Girls' School, 1865.  
 Miss F. Corney, 1865, until 1874.  
 Girls' School moved to Pohukaina, 1874.  
 Miss F. Corney, 1874, until 1889.

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## APPENDIX B.

### EXTRACTS FROM A LETTER PUBLISHED IN THE PACIFIC COMMERCIAL ADVERTISER MAY 6, 1865.

To the education in English of these often neglected children Mr. Ingraham was devoted, and by his death they have



THE OAHU CHARITY SCHOOL

*From an engraving made at Lahainaluna (probably in the 30's.)*

lost a benefactor. The care and instruction which they received from him was not limited to the precincts of the school room, but he felt it his duty as well as a pleasure to visit them in their poverty or sickness in their obscure homes, and provide for them in many instances, so far as his means allowed when their relatives could not do it for them, with both clothing and books.

The writer of this notice enjoyed the privilege of Mr. Ingraham's friendship from his earliest arrival in this community, and it is not in any spirit of eulogium that the present is said—his character and labors, now closed, need it not. As the humble teacher of Hawaiian youth, he moved unobtrusively in a sphere of usefulness which the world regards as far below that which commands the aspirations of the seeker for place and power. In the heart, however, of him who feels a deeper interest in the welfare of the many than admiration for the glory of the few, it will leave a more enduring record, and one more gratefully to be remembered. . . . He was an earnest and pious Christian, but his religion was not ascetic or austere; with him, it threw a freshness and gladness over the social interchanges of friendship and ennobled the humblest avocations of his daily life. . . . He leaves a widowed wife and children to bear their loss; but their affliction must be lightened by the knowledge that their grief is shared by friends to whom he will long be endeared by the memory of the many genial qualities of his heart; by the reflection also, that he is not lost to them or us, but only gone before.

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## APPENDIX C.

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### RESOLUTIONS PASSED BY THE BOARD OF EDUCATION, MAY, 1865.

#### **Resolved.**

1.—That the Board of Education has heard with deep regret of the death of Mr. Ingraham, the Principal for many years past of the Honolulu Free School, who during his incumbency has been remarkable for his devotion to the cause of education, and unremitting in his care of the pupils intrusted to his charge; and that the condolences of the Board are sincerely tendered to his widow and family.

2.—That the funeral expenses of the deceased be paid by the Board, and that the Department of Education be represented on the occasion of his interment.

## Hawaiian Printed Laws Before the Constitution.

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W. D. Westervelt.

Judge W. F. Frear, in paper No. 7, presented a paper on "The Evolution of the Hawaiian Judiciary"; and again, in the Thirteenth Annual Report a paper on "Hawaiian Statute Law." The present paper is supplementary to those prepared by Judge Frear.

Mr. John Ricord wrote a compiler's preface to the Hawaiian Statute Laws published in 1846. In this preface he makes the following statement, which to my mind, needs to be moderated somewhat. He says:

"The Hawaiian Kingdom was governed until the year 1838 without other system than usage and with a few trifling exceptions, without legal enactments. The bill of rights proposed and signed by His Majesty Kamehameha III. on the 7th of June, 1839, was the first essential departure from the ancient despotism."

The "Bill of Rights" has been truly called "The Magna Charta" of the Hawaiian Islands. It was first published in 1839 with some laws making a book of 24 pages. It is a splendid document and will bear praise many years to come. It was followed on the 8th of October, 1840, by the Constitution voluntarily granted to the Hawaiians by the King the Bill of Rights and the Constitution translated into English form the rare blue book of 1842. These two documents were so broad in this conception—so far in advance of the past in their application to the rights of the people and so revolutionary in view of the supposed inherent rights of kings, that all previous steps in the line of legal civilization seemed so insignificant as to be comparatively valueless. The growth of the tree was forgotten in the marvellous ingathering of fruit.

It seems to me that there have been in Hawaiian history two seasons of most rapid legal development. The first followed centuries of slow growth and culminated in the overthrow of the Tabu. The causes leading to this revolution go back to the establishment of the "*Aha Alii*" or "council of chiefs" and the gradual development of common rights



through the medium of such men as *Ma-ili-kukahi* referred to by Fornander, and quoted by Blackman in "The Making of Hawaii" as the high chief who definitely marked boundary lines and enacted laws in accordance with which certain crimes "were punishable with death." These slowly developing influences, as well as the refusal of the foreigners of later days, led to that epoch of tabu violation and destruction of idols which seems miraculous to devout minds—"This was the first essential departure from ancient despotism"—toward the reign of common law.

The second season of rapid acknowledgement of legal rights is of course the one we have already noticed connected with the proclamation of a Bill of Rights and a Constitutional form of government. I cannot enter into the study of the laws which preceded this last innovation on the sovereign's prerogatives, as has already been done in a better way by Gov. W. F. Frear, but I have been very much interested in the historical setting in which these laws are found, and count it a privilege to bring to our society some of the facts which may be new to some of us and which will add light to the papers presented by Gov. Frear. Vancouver, in his visits to the islands in 1792-1794 as Blackman says, gave to Kamehameha "valuable and valued advice as to the conduct of state affairs, relations with foreigners and military organization." The experience in attempting to establish a merchantile relation with China gave to Kamehameha some knowledge of international usage especially as far as port charges were concerned, and the counsel of such men as Davis and Young and many of the ship captains stopping in the island harbors, opened the way for many changes in what is known as the application of common law. The exact time when he announced the "Law of the Splintered Paddle," *Ka-mamala-hoa*, cannot be certified, but he made the principle of common rights not be certified, but he made the principle of common rights fundamental in his famous edict against robbery and violence. This law somewhat modified, I believe, still bears the name *Mamalahoa* in the Hawaiian courts. During the life of Kamehameha, as Dr. Alexander says in his history of the Hawaiian people, "Energetic measures were taken for the suppression of brigandage, murder, and theft, throughout the kingdom, until as the old saying goes, the old men and the children could sleep in the highways unmolested." The "law of the splintered paddle" marked the awakening of a pagan

conscience to a sense of just dealing between the powerful and the weak.

There is a worm-eaten manuscript book in the archives of the Hawaiian Board which is entitled "Memorandum of Printing at the Mission Press Oahu," which records the first printed laws. Its account for a few items runs as follows:

"Jan. 7, 1822—A card of first lessons—the first printing ever done at the Sandwich Islands.

"Jan., 1822—A spelling book of 16 pages—500 copies.

"March 9, 1822—Port regulations."

This is the first account of any printed laws for the use of the Hawaiian public, and so far as the different seekers after Hawaiian first books, now know, there is no copy of this exceedingly interesting and valuable leaflet in existence. Other Port Regulations were printed later, according to Mr. Loomis' account as on June 2, 1825, and Nov. 17, 1825, and again in April, 1837. Of these last three printings only that of June 2, 1825, can be found. This is in the government archives building, Honolulu. Its title is as follows:

He Mau Kanawai no ke Ava o Honoruru, Oahu, "Some Laws for the Harbor of Honoruru, Oahu." There are seven rules printed on a small sheet of paper, Hawaiian and English in parallel columns:

(1) The first regulation required each commander of a ship to produce a certificate of registry, a list of the crew, and the statement that no seaman was to be left in Honoruru without the consent of the Governor. The commander was subject to a fine of \$30.00 for each seaman left.

(2) The second rule required commanders to secure certificates on leaving port; expense \$1.00.

(3) The third law imposed a penalty of six months hard labor upon deserting sailors.

(4) Fourth, commanders were required to pay \$6.00 for deserters returned.

(5-6) The fifth and sixth rules provided for regular charge upon ships coming for "refreshing or refitting" 6 cents to 10 cents per ton, and 50 to 60 cents per ton upon ships entering the harbor to trade.

(7) The seventh rule provided for payment of \$1.00 per foot for bringing a ship in or taking it out.

(Signed)

KARAIMOKU.

Oahu, Sandwich Islands, June 2, 1825.

Lord Byron, the commander of the *Blonde*, who brought back the bodies of Kamehameha II. and his queen from London on June 6, 1825, attended a council of chiefs held as he says, "for the purpose of electing a king or rather confirming that title in the person of the young Kiaukiauli." In this council after deciding to support the young chief as their king, the chiefs discussed the laws pertaining to land as they had been enforced under Kamehameha I. recognizing "hereditary succession rather than reversion to the king on the death of the occupant," and decided to continue the laws of Kamehameha. "Kapiolani, stated that upon lands belonging to herself and Naihe in the Island of Hawaii she had endeavored to establish laws prohibiting robbery, murder, drunkenness, adultery and child murder, and that upon the whole she had been tolerably successful. Kaahumanu proposed that all the chiefs should adopt the same throughout the islands, *as fast as instruction should advance among the people.*" This seems to be the foundation of the first printed code of laws issued in 1827.

Lord Byron was invited to address the council of chiefs, and did so presenting a paper which he had prepared containing the following articles as suggestions to be considered by the chiefs:

- 1.—That the king be head of the people.
- 2.—That all the chiefs swear allegiance.
- 3.—That the lands descend in hereditary succession.
- 4.—That taxes be established to support the king.
- 5.—That no man's life be taken except by consent of the king or regent and twelve chiefs.
- 6.—That the king or regent grant pardons at all times.
- 7.—That all the people be free and not bound to one chief.
- 8.—That a port duty be laid on all foreign vessels.

The editor of the story of the *Blonde* frankly says, "These hints, it will be at once perceived are little more than a recommendation quietly to pursue the old habits and regulations of the Islands."

The missionaries in Honolulu probably present at this council of chiefs were Revs. Bingham, Stewart and Loomis, who all heartily agree in according more unselfish recognition of right intentions to Lord Byron than is granted to them in the report of his voyage. They felt that his suggestions to the chiefs were very important factors in directing the minds of the rulers in right channels and heartily welcomed him.

The council was held June 6, 1825. The Port Regulations in the government archives bear date June 2, 1825. Mr. Loomis, in his printing accounts, gives the same date. The explanation seems to be that the hand bill containing the port laws was prepared and printed beforehand for discussion in the council and adoption or change as deemed best. The same port laws in exact duplicate form were adopted later in 1831 for Hilo harbor. A copy of the Hilo Port Regulations is to be found in the archives of the government.

Lord Byron said that he recommended the Port Regulations to aid in making less burdensome rules than those formerly in force. In November, 1825, these rules were printed in a large hand bill, evidently of sufficient size to be posted in public places. No copy of this hand bill has so far been found.

Dibble, in his *History of the Sandwich Islands*, recognized the value of Lord Byron's suggestion concerning "trial by jury," i. e., a trial by the "king or regent and twelve chiefs." Dibble says, "Some important measures were adopted in accordance with the advice of respected and trustworthy visitors. Among these trial by jury in capital cases is worthy of notice. The regulation was advised by Lord Byron in 1825 and has been uniformly adhered to ever since."

In a paper read before this body, Jan. 22, 1906, Judge Frear says, "On the advice of Lord Byron trial by jury in capital cases was adopted and the execution of the death penalty, which had previously been by assassination generally by stoning, clubbing or strangling the victim, or after the introductions of edged tools by beheading him from behind or when he was asleep—was changed to hanging."

These changes were made without any printed notice so far as has been known. Oral proclamations and edicts were made from time to time and answered the purpose of printed laws. It might very well be noted that in this council, and also over and over again before the adoption of the Constitution, the missionaries continually and consistently said as Lord Byron quotes from an address by Mr. Bingham, "It is not for the mission to give laws to the natives, nor to interfere with the authority of the chiefs, nor to engage in commercial speculations, nor to be known otherwise than as propagators of the Gospel." And yet from that day to this they have been charged with striving to foist the Ten Commandments upon the chiefs as the best law of the land which could be promulgated. Even Blackman in his fine and usually accurate book "The Making of Hawaii," says: "Some idea of Con-

stitutional Government had been imparted to the chiefs by various visitors from Europe and America, and this the missionaries sedulously nurtured. But that they were not always wise in giving it direction appears in the fact that when in 1825 they were asked to prepare a code of laws, they recommended the Decalogue."

Dibble in his history gives credence to the same story. He says, "As early as the fall of 1825 Kaahumanu and other chiefs saw the desirableness of having something like permanent and definite laws. They applied to the missionaries to recommend such laws, and the missionaries were perplexed to know what was duty. That they needed laws was evidently and deeply felt but to adapt laws except those of the most general kind, to their system of government was not to be thought of, and intermeddling with political affairs was plainly inconsistent with explicit instructions. The general principles of a criminal code, however, they were at liberty to point out as instructors in morals and religion. What did they do? The Ten Commandments had been translated and printed and the missionaries directed the attention of the chiefs to those commandments as a summary of duty binding upon all nations and upon all men." Page 239 of Dibble's History is headed "The Ten Commandments adopted." Dibble says, "The adoption of the Ten Commandments as the basis of a criminal code, called forth, of course, a storm of wrath from opposing foreigners."

The recorded fact is that a meeting was held Dec. 12, 1825, at the call of Kalanimoku and Kaahumanu to discuss the Kanawai or law of Jehovah. Two missionaries were present at this meeting, Bingham and Loomis. Bingham's writing about twenty years later does not say much about the meeting, but states the fact that the Ten Commandments were not adopted as the law of the land, and, indeed, were not to be considered with the expectation of proclaiming them as the code of law. Although they might be considered as a foundation for a code.

Bingham says, "Kaahumanu and Kalanimoku and others most fully published their views of God's word and regarded his statutes as binding on all, without any civil, secular or ecclesiastical enactment to make them so."

This is a very different thing from "recommending" the Ten Commandments to the chiefs as the code of laws for the government of the people.

Loomis kept a journal which I think has never been printed, but which belongs to the archives of the Hawaiian Board. This

journal account is too long to be quoted in its entirety, for it covers nearly five pages almost foolscap size, written the day on which the meeting was held. Enough can be quoted to give a very accurate idea of the meeting and its purpose. Mr. Loomis does not agree with Mr. Bingham—you will notice in regard to the chiefs. He implies that they did expect to enjoin these laws upon the people. Mr. Loomis makes this record Dec. 12, 1825. "Yesterday, at the close of divine service Karaimoku arose and requested that the chiefs and teachers would assemble on the ensuing morning to give their united advice to the people in regard to the Kanawai (The Ten Commandments) of Jehovah. The Kanawai (Commandments), were translated some time since and most of the chiefs after giving them an attentive perusal expressed an earnest desire that they should be regarded by all the people. As the laws of God it was thought they were binding on every person, and the chiefs wished to give their united public testimony in favor of their being observed, and even to enjoin their people to obey them. With this view the meeting was called. We knew nothing of it, however, till Karaimoku arose in meeting as before stated. Receiving an invitation from Karaimoku to be present, we went at the appointed hour and were not a little surprised to find nearly all the resident foreigners present and 5 or 6 commanders of vessels." It was a turbulent meeting of which Mr. Loomis says: "I shall not detail the scurrilous abuse of the missionaries by the foreigners during this meeting. Suffice it that the most low vulgar billingsgate epithets were constantly applied." Boki, Kalanimoku's brother, upheld the foreigners, and finally was compelled by Kalanimoku to be quiet. Mr. Loomis says, "The foreigners alleged that the penalty of death was to be annexed to each law in case of its being violated. Whether the chiefs had or had not a design to annex a penalty to any one of the laws we do not know, but there is no probability that they could have thought of punishing with death for the violation of any one unless the sixth (Thou shalt not kill). As far as I can learn, it seems to have been the design of the chiefs simply to express publicly their united voice in favor of the observance of the Ten Commandments."

The meeting broke up in confusion in which as Mr. Loomis says, "We have the authority of the chiefs to say that, but for the influence of Christian instruction there would have been an appeal to arms, 'as it is, we do not anticipate any serious civil commotion.'"

This testimony by, both Bingham and Loomis, ought to be authoritative in making void the statement that the Ten Commandments were either adopted or recommended by the missionaries for adoption, as the code of law for the Hawaiian people. Immediately following this attack upon the ten commandments by the residents of Honolulu, upholding the hands, came the United States schooner *Dolphin* under the command of the infamous Lieut. John Percival with demands of the vilest nature. This continued to stir up trouble with men of the baser sort under the lead of the British Consul Charlton. On the other hand there was the influence of Captain Thomas Ap. Catesby Jones strengthening the idea of good laws, and in behalf of the United States entering into treaty relations with the islands, and upholding the missionaries in the strongest and most unequivocal terms after careful examination of conditions. There was also the more and more rapid growth in general understanding among the natives as books in the Hawaiian language began to abound. A host of minor influences were also stirring the minds of the chiefs. The result was that a small code of criminal law was prepared Dec. 8, 1827. This code was printed on a small hand bill in two forms both bearing the same date, Dec. 8, 1827 and both preserved in the Hawaiian government archives. One has six laws with penalties and the other five laws. The fourth and the sixth laws were practically the same. One referred to *Hookamakama* and the other to *Moe Kolohe*, both according to Hawaiian ideas could be included under the term "adultery."

The five laws promulgated by the chiefs were as follows:

- 1.—Against murder, penalty hanging.
- 2.—Against theft, penalty imprisonment in irons.
- 3.—Against rum, selling, penalty imprisonment in irons.
- 4.—Against adultery, penalty a fine.
- 5.—Against gambling, penalty imprisonment in irons.

Stewart, who was a missionary to the islands at the time of Lord Byron's visit, says, "that these laws were proclaimed by the King in person supported by the Regent Kaahumanu, by Governor Boki and all the high chiefs in a grove of coconut trees near the seashore to an immense throng of the people and many foreigners."

Opposition again became threatening and made practically useless for a time the laws against rum selling and gambling, but little by little the chiefs gained confidence, issued proclamations and edicts and met guile with tact, until in 1829, a num-

ber of laws were in force and foreigners as well as the native-born, were proclaimed to be subject to the laws including rum selling and gambling.

The deservedly famous "Cow Proclamation" issued October 7, 1829, following the almost equally famous statement of the position of the government against adultery of September 21, 1829, mark the courage with which the chiefs had learned to meet the opposition of foreign residents. Both of these papers are now quite rare and should be carefully guarded wherever found. We have time to sketch the circumstance of the "Cow Proclamation" in only a few sentences.

Stewart, writing in 1829, says: "The large plain skirting the coast eastward of Honolulu is a common for the pasturage of all the horses, cattle, etc., in the vicinity belonging either to the natives or foreigners." This is the land below and east of Punchbowl extending to the cultivated lands of Manoa valley. Animals unwatched sometimes committed serious depredations. A British resident near this plains chose without giving notice to the natives to shoot every animal of theirs entering his grounds. A cow belonging to him did much damage to a native's field. This cow was captured and held hoping that damages might be secured. The Englishman took the cow away and threatened the native. The next time the cow broke in, the native shot and wounded the animal which died after running out into the plain. The Englishman and an American rode immediately to Manoa seized the native, tied a halter round his neck and dragged him over three miles to town. He received injuries from which he never fully recovered. The British Consul Charlton with other residents drew up a paper to shield this action, in which they declared that they feared for the safety of their property and even for their lives—requesting an answer from the chiefs which should be sent to the King at London. Kamehameha III. and the chiefs prepared a remarkable document which they requested the missionaries to print for general distribution. I must quote a part of this "Cow Proclamation" of the King, Oct. 1, 1829:

"This is my decision for you. We assent to the request of the English residents. We grant the protection of the laws. That is the sum of your petition.

"The laws of my country prohibit murder, theft, adultery, prostitution, retailing ardent spirits at houses for selling spirits, amusements on the Sabbath day, and gambling and betting on the Sabbath day and at all times.

"If any man shall transgress any of these laws he is liable



to the penalty—the same for every foreigner and for the people of these islands—whoever shall violate these laws shall be punished.

"This is also our decision: We have seen your wickedness. You did not warn us that your yards were tabu, you unhesitatingly killed our animal. We warned you and then it was told you again. On that account your cattle are dead. If you judge a man guilty you are not forthwith to punish him. Wait till we have a consultation first. But, no, you rashly and suddenly injured a man. We state to you that the wounding of a beast is by no means equal to the wounding of a man."

This was a great advance in the relation of the foreign population toward the natives. Charlton never dared to forward this document to England to have it abrogated. It met the issue so fairly and so justly that it could only be met by denunciation and anger.

Stewart says, "The excitement was such that gentlemen friendly to the missionaries, earnestly advised that the document should not be printed, but no satisfactory reason for disobliging the king and government being presented, they committed it to the press."

Within a week after this proclamation was made the U. S. ship of war Vincennes, under Captain Finch, came to Honolulu. Mr. Stewart was on board as chaplain. Captain Finch bore a letter written by the Secretary of the Navy in behalf of the President, in which occurred the following statement enforcing the position taken by the chiefs: "Our citizens, who violate your laws or interfere with your regulations, violate at the same time their duty to their own government and country and merit censure and punishment."

From this time on foreigners were held to be subject to the law even if it could not always be enforced. Various decisions of the council of chiefs and King Kamehameha II. were issued up to 1833 in proclamations and hand bills. Then in 1834, as a result of all previous bills and proclamations, a far more formidable criminal code was printed. Instead of hand bill there was a bound pamphlet of 15 pages, which, I think, is the *first book* of printed laws of the Hawaiian Islands. There were five chapters, each one signed by King Kamehameha II. and yet each chapter was discussed and ratified by the council of chiefs according to ancient custom before receiving the King's signature and becoming a law.

## HE OLELO NO KE KINAWAI

**KE** hai, aha nei makou i ka olelo, e hoolohe mai, e ko ke-  
la aina, a me ko keia aina, e malama no hoi ko keia aina, a  
me ko kela ainā o ka mea i lohe i keia mau olelo, e mala-  
ma ia; aka i malama ole e hewa ia.

### I

Ke papa aku nei makou i ka pepehi kanaka; mai pepehi kela  
aina maenei, mai pepehi keia aina maenei; o ka mea e pepe-  
hi maenei e make ia, i ke kaawe ia.

### II

Eia ka lua; ke papa aku nei makou i ka aihue; o ka mea  
e aihue, e paa ia i ka hao.

### III

Eia ke kolu; ke papa aku nei makou i ke kuai rama ma-  
ne; o ka mea e kuai rama, e paa ia i ka hao.

### IV

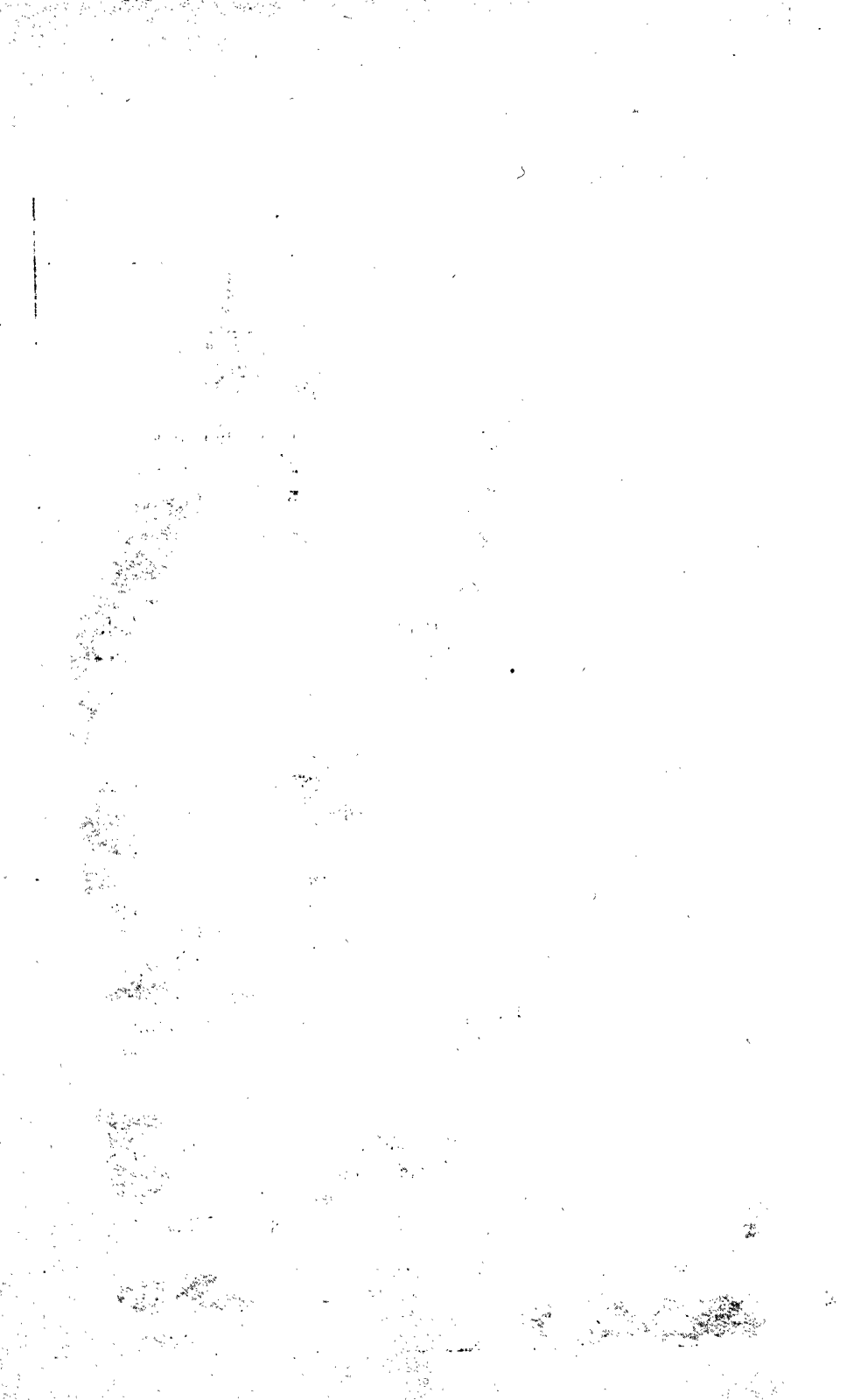
Eia ka ha; ke papa aku nei makou i ka hookamakama; o  
ka mea i hookamakama, e uku ia oia i ke kala.

### V

Eia ka lima; ke papa aku nei makou i ka pili waiwai; o  
ka mea e pili waiwai e uku ia oia i ka hao.

KING KAUIKEAOULI

*Oahu Honolulu, Dekemaba 8, 1827.*



Each law commenced thus: "Ke papa aku nei makou," "We forbid." We, King and Chiefs—signed "Kauikeaouli."

The *first* chapter was against murder, manslaughter, accidental killing, etc., punishable with death or imprisonment, four years or fine of from \$50.00 to \$100.00. An accomplice or instigator of murder suffered the same penalty. Threatening to kill the king was classed with murder.

Theft as enforced in the *second* chapter was punished by fine of double the amount stolen, or imprisonment.

The *third* chapter dealt with adultery, fornication and seduction, penalty fine from fifteen to fifty dollars, or imprisonment at hard labor several months.

Falsehood, perjury and falsewitness made the heart of the *fourth* chapter, penalty fine or imprisonment.

The *fifth* was a chapter on rum, drinking, in place of both gambling and rum selling. Probably both of these presented too difficult a problem for the chiefs to handle considering the foreign civilization known to the islands, therefore an edict against drunkenness was issued. Drunkenness on the street was punished by a fine of \$6.00. If a drunken man injured any one there was a fine of \$50.00—\$15.00 for the Judge and \$35.00 for the person injured. Fences torn down, property damaged, or fire caused by carousal had penalties by fine or imprisonment.

These laws were reprinted without any change in 1835 in a book of closer set type and better paragraphed so that the different crimes of each class could be better understood. This is referred to by Blackman in "The Making of Hawaii" as follows:

"In 1835 a better code of written laws for the securing of rights than had before been published or enforced, was enacted."

In fact these laws were from 1833, printed in 1834, reprinted in 1835. It is not so difficult to see that the minds of the chiefs were becoming somewhat alert to the changes from the old to the new. This becomes more and more clear as the numerous edicts issued by them before the declaration of the "Bill of Rights" are studied. Of these only two can be noticed briefly in the time allotted to this paper. In the Hawaiian Spectator, July, 1838, a law enacted, March 20, 1838, was printed. This law regulated "The Sale of Ardent Spirits." The Spectator says, "Under this law two houses have been permitted to take out a license instead of twelve or fourteen as has been the case for three or four years back. The law reads as follows:

(Translation.)

## A LAW REGULATING THE SALE OF ARDENT SPIRITS.

Whereas we have seen that drinking of ardent spirits and other intoxicating liquors is of great injury to our country; therefore, I, with my chiefs, have sought for the means of suppressing it.

1.—We prohibit all selling of spirits by any person whatsoever, either openly or secretly, without written license. Whoever is detected selling, or doing contrary to this law shall be fined fifty dollars, and if he sell again he shall be fined one hundred dollars; thus shall the fine be increased by the addition of fifty dollars for every repetition of the offense to the utmost violation of this law.

2.—If, however, any person, whether foreigner or native sell spirits by the barrel or large cask, he will not be amenable to this law, but any person who sells in any smaller quantity, will be liable to its penalty.

3.—Any house having been licensed for retailing spirits, may sell by the glass, but not by any larger measure; and its doors must be closed by 10 o'clock at night, and all visitors must go away until morning. And on Sunday such house shall not be opened from 10 o'clock on Saturday night until Monday morning.

4.—We prohibit drunkenness in the licensed houses. If any one, whether foreigner or native, drink and become drunk at such house, the owner of the house where he got drunk shall pay the following fine. Ten dollars for the first offense, twenty dollars for the second, and thus the fine will be increased by the addition of ten dollars for every repetition, to the extent of his misdemeanors.

5.—The officers appointed to this duty will watch, and they will quietly observe whatever is going on in the said houses. Let no one obstruct them in their duty.

6.—Any house licensed for selling spirits, and conducting in a manner at variance with this law, will, on conviction, have its license taken away and it will not be given back again.

KAMEHAMEHA III.

Lahaina, March 20, 1838.

August 23, 1838, a law of over 2000 words was enacted, in which the King, as The Spectator says, "prohibited entirely the distillation of spiritous liquors by his own subjects and also prohibited after a definite period the subjects of other governments from importing the article into any port of these islands."

If there could have been any permanent benefit to the Hawaiians under these laws, it was completely overthrown by the French when they compelled the admission of French liquors. But the laws were there and the mental development leading to these laws is historical.

When attention is paid to the oral proclamations, the written land laws and other enactments and customs pertaining to what we call civil law as well as the criminal law which we have studied, the fact seems clear that the King and chiefs had some rather definite ideas, somewhat formulated leading up and developing into the splendid Bill of Rights of 1839 and Constitution of 1840, and I do not hesitate to say that it speaks mighty well in behalf of the King and his high chiefs that this could all be done so successfully in the face of the fierce opposition encountered from a strong foreign element.

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To disarm unfriendly criticism, Mr. Gilman writes:

"Is it not fair to me to state that I was but 22 years of age, that I had come around Cape Horn at 18, and graduated from a ship's forecandle on arriving at Honolulu in 1841."

A VISIT TO THE CAVES OF HAENA, KAUAI, MADE  
IN 1845, BY HON. G. D. GILMAN.

(August 13, 1845.)

The few days just past, having been very pleasant with no rain, Mr. Johnson proposed that we visit the caves, as the roads and rivers would be passable and it was uncertain when we would have a better opportunity. After enjoying a nice breakfast with my kind friends, we mounted our horses about 8 o'clock. We were accompanied by some 20 or more of Mr. Johnson's school boys to whom he had given permission for a holiday. Some few were mounted, but the less fortunate ran along on foot, and by taking shorter paths managed to keep with us. Soon after leaving the station house, we came

to the Waioli river, the mouth of which is very deceptive, often being filled with quicksands, so that we were obliged to ford it. We landed on the opposite shore, under a bluff of a spur of the mountain. Riding along the beach, we crossed a small stream running into the sea which the natives call Wai Koko (Water of Blood) from its strong resemblance to water stained with blood. A mile further, and we came to a bold bluff against which the sea was casting its spray. At times the sand forms here and affords a good passing place, saving a long inland route which is up and down a precipitous hill. The sand had been washed away and there was just room to pass close under the overhanging rock over a bad path. Watching for a good time, we got our horses led past. The next village we came to was Lumahai and like the rest it had its river. A stranger is struck with the frequency of these mountain streams, which are sources of no little inconvenience to the traveler, particularly if he happens to have a small horse, for as these streams have all to be forded, there is a good chance of his getting wet. The river that we crossed here is the widest one that we have met with and it required no little manouvering to cross without getting wet. On gaining the opposite side we commenced the ascent of a very difficult hill, being a very narrow spur running into the sea. As we rode along the ridge, the sea was to be seen many feet below us on the one side, and the valley we had just passed on the other, while the ridge itself where we were riding was but a few feet wide. The descent of the hill was nearly as difficult as the ascent. The valley we were now approaching (Wainiha), seemed, as indeed it was, the largest one through which we passed. It is situated between two ridges of the mountain which extend into the sea, and a stream runs through it, which affords facilities for cultivating food of which there is a good deal.

The former agent for the lands resided here, and was a very industrious, active native, who endeavored to improve his condition. He manifested considerable taste and under the assistance of the old Governor Kaikioewa and a missionary friend at Waimea, he succeeded in improving his place to quite a degree for a native. We rode up to it and dismounted to go over the ground. His house is situated neath the shade of a fine grove of kukui, which not only shades it from the heat of the sun at noon day, but affords a good light at night. The kukui nuts being very oily, the natives string them on small pieces of bamboo, and they afford a very good light but the

great quantity of smoke also emitted is very disagreeable. We walked around the place and saw quite a quantity of tropical fruits. The date, fig, orange, lime, &c. were growing in different places, and many beautiful coffee trees in full bearing. Part of the fruit was ripening, and its scarlet berries formed a pretty contrast with the bright green leaves. It is not unpleasant when the fruit is ripe to eat the saccharine pulp that surrounds the kernel, and those who superintend the clearing of coffee have to watch the natives when they are showing it, or they will wash it in their mouths, being very fond of it. This native certainly deserved a great deal of credit for his labours, but he has not had much benefit from them, having very much against his own inclination performed a voyage to a distant country. He left here some years since with his daughter and a company of natives to go to Honolulu in a boat. They met with heavy winds and were driven off to sea. They drifted off and were given up for lost. But fortunately they were seen by a vessel bound for China, picked up and taken there, where by last accounts they were still, though they were expected back. As no intelligence came from them, it was supposed here that he had been lost at sea, and as was then the custom, all his property was taken possession of by the government and given to his successor. It was so seldom that a private individual became possessed of property, that what he acquired while in office was supposed to be the spoils of office, and on his disgrace or death became the property of the government.

Leaving this once pleasant but now neglected spot, our road wound round one of the high bluffs. It remains a monument of the old governor's perseverance and energy, being made by him. The path is just wide enough for a horse to pass along, and in some places I think it would be very difficult for two horses to pass each other, while down beneath you, not a foot from the path, is the precipice against the foot of which the surf ever beats. The slightest start or misstep on the part of the horse would have precipitated him and his rider 100 feet or more into the water, below. We passed it, however, in safety and descended to the plain below. Here we found a large plain running out some distance from the mountain and bearing every evidence of either having been formed by the sea or that the waters had once washed the base of the mountains now half a mile from the present beach. A fine grove of pandanus here forms an agreeable contrast to the rugged rocky coast. This plain is called Haena and it



is in this neighborhood that the celebrated caves are found. We visited the site of an ancient temple where human sacrifices were offered to deities of the place.

The caves of Hacna are situated in the district of the same name and are but a short distance from the sea. The entrance to the *First* is hid from view as you approach by large numbers of the castor bean plant, which grow to the very mouth. The cliff at the entrance rises perpendicularly several hundred feet high. We rode into the cave on our horses, it being on a level with the ground outside. The floor is very level and the arch overhead quite uniform in its height. I was somewhat disappointed that the roof was so low, being but 20 or 30 feet, the average perhaps being not more than 18 feet. It has the appearance of a large circular room but rather out of proportion owing to the lowness of the roof. We measured the length from the mouth inward, and found it upwards of 200 feet, and the passage would measure 100 feet or more in breadth. Having provided torches, we entered the principal passage and groped our way forward. As we advanced, the wall became more and more contracted, until we were obliged to crawl on hands and feet. Having got about 250 or 300 feet from the entrance we were stopped, the smallness of the passage precluding further progress, the hole being just large enough to admit a person with no opportunity of turning. By throwing stones forward, we could judge by the reverberation of the sound that the passage again enlarged, but the natives would not attempt it. Tradition says that in former times they could pass through the mountain, and the place is pointed out as the exit on the other side, but the natives say that the mountain is *settling*, and when one sees the *great* width of the arch it is difficult to account how it is held up. We were shown where a chief concealed himself from his pursuers.

Passing on, we drew near the *Second* Cave. The mouth of this cave is considerably higher than the first and more difficult of access. A large mound of earth seems to have filled up the mouth and this mound is thickly strewn with rocks and stones. Climbing up the steep sides at an angle of about 45 degrees, we stood at the mouth of this second wonderful monument of nature. Like the first, the beetling crag rose high above, and seemed ready to drop some of the large stones upon us, that hung apparently very loosely in their places. The high vaulted roof of this cave is much more grand than that of the first. The descent to the water that fills the cave is about 60 or 70 feet and at the same angle as the ascent

outside. On reaching the level of the water, we were struck with the very clear transparency of it, and a draft from it was very refreshing. Most of the surface was covered with a coating of a scum which seems to fall from the roof which is composed of a good deal of limestone. The scum is always to be found on the surface and gives a dirty appearance to the place, but when broken or separated, the water shows itself pure and very clean. The natives have a superstition that there is some monster dwelling in its depths, and they always refuse at first to go into the water, but a small inducement dispels their fears. We judged the height of the roof to be 75 feet, the length to be about 100 feet, and the width about 60 feet. There is no room for exploration, as the water washes the walls all around, and you can see everything from the edge of the water. The thermometer stood at 76 degrees in the air and 70 degrees in the water. It is very possible that the blocking up of the entrance was caused by the falling down of the cliff, and that formerly it was more open.

A short distance and we arrived at the *Third Cave*. The mouth or entrance is much easier of access than that of the second, there being but a slight ascent and descent to the water which begins at the mouth of the cavern. The natives were here enjoying themselves in high glee. The sides of the lake are very bold and a few feet from the brink the water is very deep. The boys would clamber along the sides of the rocks until they reached a ledge about 30 feet above the water, when with a bound they would throw themselves off, and enter the water with a chuckling sound like that of a thrown pebble. This cavern is divided into two apartments. The first and outer one is much the larger and more grand, its lofty arch rising over the water to the height of 60 or 70 feet. It is 80 feet in length and 60 wide. As the sides, rise perpendicularly from the water, we engaged a canoe which was soon brought to us, and having a large torch we commenced our sail on the cavern lake. The canoe was small, and the natives were obliged to swim along by the side to keep us from being upset, the one at the bow holding the torch. The native boys seeing us set off, swam on before us and clinging to the rocks awaited our approach. We passed under a small, low, but most perfect arch, which separates the first and second apartments. The second is a large circular room, but not so large as the first, and from it a passage leads off narrowing as you proceed. As we passed under the arch and shot into the dark room, lighted only by

our torch and a faint light through the arch, the boys commenced a loud *yelling* which rang through the vaulted chamber, as though all the demons of the mountain had assembled to give us welcome. As we were ferried as it were by an unseen agency, the boys threw themselves from the rock, where their dark skins so much the color of the rock had renders them invisible, into the water around us and continued their splashing and yells, not *cries*, with their eyes glistening in the light of the torch, and their heads appearing and disappearing as they dove around us. It was highly exciting, and it was impossible to make ourselves heard amid the tumult. It was the passage over the Styx and a short stay among the lost spirits of Pluto's regions, a scene never to be forgotten. We went on till we came to the termination of the passage and could go no further. We picked a few stones from the rocks as mementos and substantial proofs of our visit to the infernal regions. A native tried to sound the depth of the water but was unable, it was probably 40 or 50 feet. As we were ferried out, the young imps gave us a parting yell, and I was not sorry when we shot through the arch into the *drawing-room* of His Infernal Majesty which is much the more pleasant of the two. The *secret* chambers, like so many others, do not have their privacy invaded. Mr. Couthony, a member of the U. S. Exploring Expedition, was pursuing his researches within the arch when his canoe upset, his light was extinguished, and he was left to struggle in the waters. His arms were full of valuables, and he, by great exertion, swam out with his canoe by his feet until a native went to his assistance. The temperature was the same as in the other cave, 72 degrees and 76 degrees. Thus I visited these natural curiosities which speak so strongly of Him who formed the earth and the secret places thereof.

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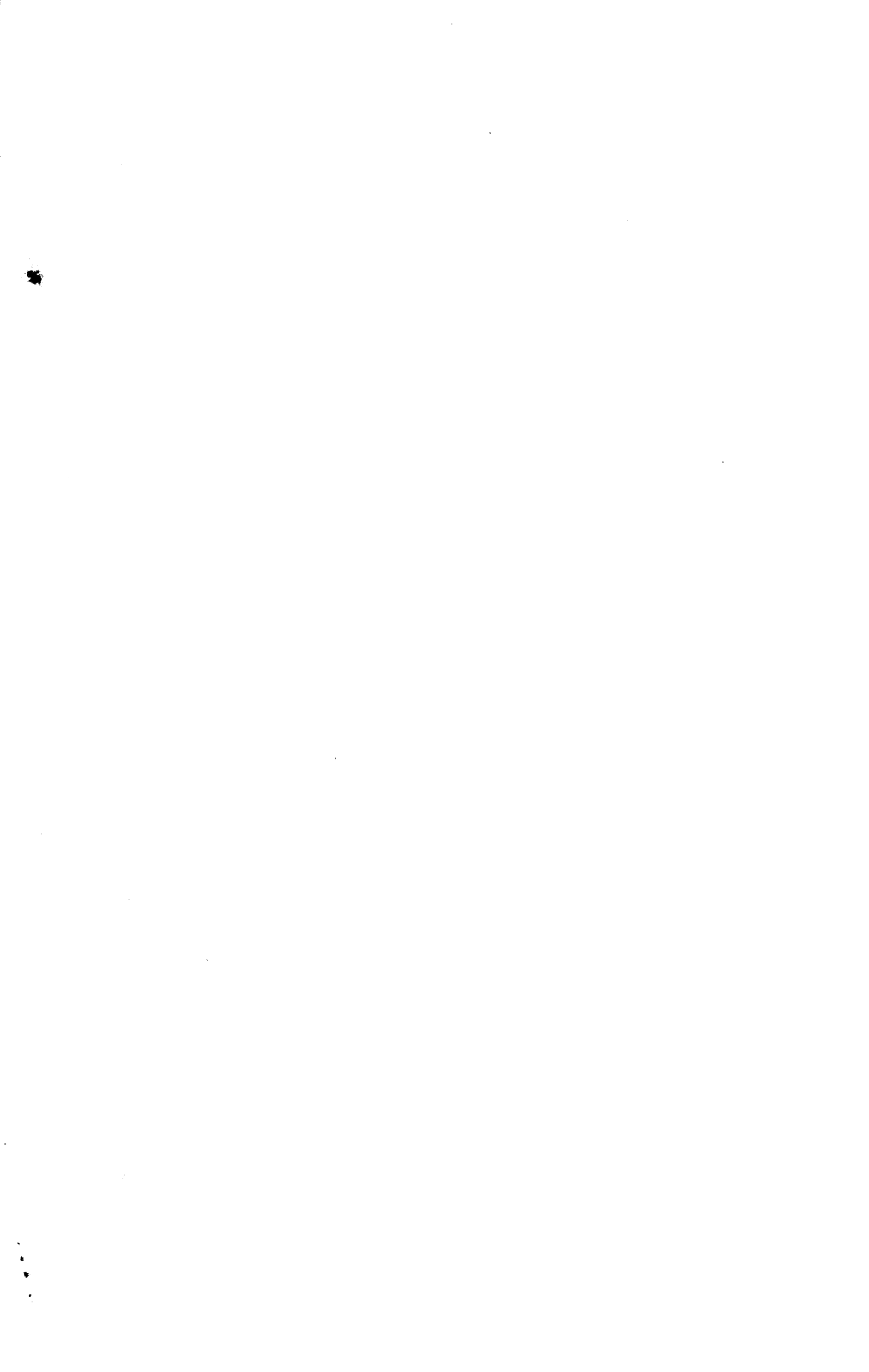
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